ACTS AND STATUTES,

MADE

In a PARLIAMENT begun, at *Dublin*, the Twenty Eighth Day of *November*, *Anno Domini*, 1727. in the First Year of the Reign of Our Most Gracious Sovereign LORD,

KING *GEORGE* II.

BEFORE

His Excellency *John* Lord *Carteret*, Lord Lieutenant, General and General Governor of *Ireland*.

And continued under His Excellency *John* Lord *Carteret*, Lord Lieutenant, General and General Governor of *Ireland*, by ſeveral Prorogations, until the Twenty Third Day of *September*, 1729.

And further continued under His Grace *Lionel* Duke of *Dorſet*, Lord Lieutenant, General and General Governor of *Ireland*, by ſeveral Prorogations, until the Fifth Day of *October*, 1731.

And further continued under His Grace *Lionel* Duke of *Dorſet*, Lord Lieutenant, General and General Governor of *Ireland*, by ſeveral Prorogations, until the Fifth Day of *October*, 1733.

And further continued under His Grace *Lionel* Duke of *Dorſet*, Lord Lieutenant, General and General Governor of *Ireland*, by ſeveral Prorogations, until the Seventh Day of *October*, 1735.

And further continued under His Grace *William* Duke of *Devonſhire*, Lord Lieutenant, General and General Governor of *Ireland*, by ſeveral Prorogations, until the Fourth Day of *October*, 1737.

And further Continued under His Grace *William* Duke of *Devonſhire*, Lord Lieutenant, General and General Governor of *Ireland*, by ſeveral Prorogations, until the Ninth Day of *October*, 1739. Being the Seventh Seſſion of this preſent PARLIAMENT.



DUBLIN:

Printed by GEORGE GRIERSON, Printer to the King's Moſt Excellent Majeſty, at the *King's-Arms* and *Two Bibles* in *Eſſex-Street*, MDCCXL.

ACTS

AND

STATUTES,

MADE

In a PARLIAMENT begun, at Dublin, the Twenty Eighth Day of November, Anno Domini, 1727. in the First Year of the Reign of Our Most Gracious Sovereign LORD,

KING GEORGE II.

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Printed by GEORGE GRIERSON, Printer to the King's Most Excellent Majesty, at the King's-Arms and Two Bibles in Essex-Street, MDCXLI.

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AN

ACT

For Granting and Continuing to

HIS MAJESTY,

AN

ADDITIONAL DUTY

ON

Beer, Ale, Strong-Waters, Wine, Tobacco, and other Goods and Merchandizes, therein Mentioned.

G. II. R.



DUBLIN.

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AN

ACT

For Granting and Continuing to

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G. II. R.

DUBLIN.

Printed by GEORGE GRIERSON, Printer to the King's Most Excellent Majesty, at the King's Arms and Bible in Essex-Street, MDCCXXXIX.

AN

ACT

FOR

Granting and Continuing to His Majesty, an Additional Duty on Beer, Ale, Strong-Waters, Wine, Tobacco, and other Goods and Merchandizes, therein Mentioned.

CHAP. I.

WE Your Majesty's most Dutiful and Loyal Subjects, The Commons of Ireland, in Parliament Assembled, having a just Sense of Your Royal Care, for the Prosperity of all Your Subjects, and well knowing that the Security of this Your Realm, and the Continuance of the many Blessings We Enjoy under Your Mild and Auspicious Reign, Depends on the Support of Your Majesty's Government, Do most humbly Beseech Your Majesty that it may be Enacted;

Be it therefore Enacted by the King's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this

present Parliament assembled, and by the Authority of the same, That the several and respective Duties and Impositions on Beer, Ale, Strong-Waters, Wine, Tobacco, and other Goods and Merchandizes, which, in and by an Act of Parliament, Made and Passed in the First Year of Your Majesty's Reign [Intituled, An Act for Granting to His Majesty, an Additional Duty on Beer, Ale, Strong-Waters, Wine, Tobacco, and other Goods and Merchandizes, therein mentioned; And also, a Tax on Salaries, Profits of Employments, Fees and Pensions; And for securing the Re-payment of Fifty Thousand Pounds *Sterl.* formerly advanced to His late Majesty for the Use of the Publick, together with the Interest thereof] were Granted unto Your Majesty, or Chargeable in Manner therein Mentioned, from the Twenty Fifth Day of March, One thousand seven hundred twenty and eight, to the Twenty fifth Day of December, One thousand seven hundred twenty and nine, inclusive; And which, by one other Act, made and passed in the Third Year of Your Majesty's Reign [Intituled, An Act for Granting and Continuing to His Majesty an Additional Duty on Beer, Ale, Strong-Waters, Wine, Tobacco, and other Goods and Merchandizes, therein Mentioned] were Continued until the Twenty fifth Day of December, in the Year of Our Lord One thousand seven hundred thirty and one, inclusive; And which were further Granted and Continued from Time to Time by subsequent Acts of Parliament made in this King-

Kingdom, until the Twenty fifth Day of December, in the Year of Our Lord One thouſand ſeven hundred thirty and nine, inclusive; Be further Granted, Continued, Raiſed, Collected, Levied and Paid unto Your Majeſty, Your Heirs and Succeſſors, from the ſaid Twenty fifth Day of December, One thouſand ſeven hundred thirty and nine, until the Twenty fifth Day of December, One thouſand ſeven hundred forty and one, inclusive.

And be it further Enacted by the Authority aforeſaid, That all and Singular the ſaid Duties hereby Granted and Continued, ſhall be Raiſed, Levied, Collected and Paid unto Your Majeſty, Your Heirs and Succeſſors, during the Time aforeſaid, over and above all other Duties Payable for the ſame, by Virtue of an Act made in this Kingdom, in the Fourteenth Year of the Reign of King Charles the Second [Intituled, An Act for the Settling of the Exciſe or New Impoſt, upon His Majeſty, His Heirs and Succeſſors, according to the Book of Rates, therein Inſerted] or by Virtue of one other Act, made in the ſaid Fourteenth Year of the Reign of the ſaid King Charles the Second [Intituled, An Act for Settling the Subſidy of Poundage, and Granting a Subſidy of Tunnage, and other Sums of Money, unto His Royal Majeſty, His Heirs and Succeſſors, the ſame to be Paid upon Merchandizes Imported and Exported into, or out of the Kingdom of *Ireland*, according to a Book of Rates hereunto annexed]

Provided allways, And be it further Enacted by the Authority aforesaid, That if the said Wines, Strong-Waters, Spirits perfectly Made, and Spirits Made and Distilled of Wine and Brandy, or Spirits above Proof, upon which the said Additional Duties are Charged, shall, after Payment thereof, or Security Given for the same, be again Exported by any Merchant or Merchants, That is, or are, a Subject or Subjects of this Realm, or any other His Majesty's Dominions, within Eighteen Months, or by Merchants Strangers, within twelve Months, after the Importation thereof, and due Proof First made, by Certificate from the Proper Officer of the due Entry of such Wines, Strong-Waters, Spirits perfectly Made, and Spirits Made and Distilled of Wine, Brandy, or Spirits above Proof, and of the Payment of the said Additional Duties hereby Granted and Charged thereon, or Security being given for the same, and that all other Requisites have been performed, which are by Law Required to be Performed, in Cases where the Duties of Excise are to be Repaid, by Virtue of the before mentioned Act [Intituled, An Act for the Settling of the Excise or New Impost, upon His Majesty, His Heirs and Successors, according to the Book of Rates, therein Inserted] That then the said Additional Duties, shall, without any Delay or Reward, be Repaid or Allowed unto such Merchant or Merchants, so Exporting the same,

ſame, within One Month after Demand thereof, or the Security for the ſaid Additional Duties, by this Act Charged, ſhall be Vacated or Diſcharged as to ſo much as ſhall be ſo Exported; Any Thing herein contained to the contrary notwithſtanding.

And be it further Enacted by the Authority aforeſaid, That for the better Levying and Collecting the ſeveral Rates and Duties hereby Granted, and alſo for a further Supply to Your Majeſty, all and every the Rules, Directions, Powers and Authorities, Clauſe or Clauſes, Relating to the Brewers Mixing their Beer and Ale, and Diſtillers Diſtilling of Strong-Waters, and for Preventing the Mixing of Small Worts with Strong Ale or Beer, after the Gauger hath taken the Gauge thereof, and for Impowering Gaugers to take an Account of all Waſh and Low Wines in Diſtillers Hands, the better to Aſcertain the Quantity of Aquavitæ, Strong-Waters and Spirits by them Diſtilled, and all Penalties and Forfeitures Ariſing thereby and therefrom, Given, Granted or Enacted in and by an Act paſſed in the Fourth Year of the Reign of His Late Majeſty King George the Firſt of Glorious Memory [Intituled, An Act for Continuing to His Majeſty an Additional Duty on all Wines and Strong-Waters, and Spirits perfectly Made, and upon all Spirits Made and Diſtilled of Wine; And alſo a Tax on all

Salaries, Profits of Employments, Fees and Pensions, therein mentioned; And for Granting a further Additional Duty on Ale, Beer and Strong-Waters, and Spirits perfectly Made, and upon all Spirits Made and Distilled of Wine; And for Securing the Re-payment of Fifty Thousand Pounds *Sterling*, formerly Advanced to His Majesty for the Use of the Publick, together with the Interest thereof] which were to Continue from the Twenty First Day of November, One thousand seven hundred and seventeen, until the Twenty First Day of November, One thousand seven hundred and nineteen, inclusive; And which were further Granted and Continued from Time to Time, by divers Acts of Parliament Made in this Kingdom until the Twenty fifth Day of December, One thousand seven hundred and thirty nine inclusive; Shall be, and Continue in full force from the Twenty fifth Day of December, One thousand seven hundred and thirty nine, until the Twenty fifth Day of December, which will be in the Year of Our Lord One thousand seven hundred and forty one, inclusive.

And be it further Enacted by the Authority aforesaid, That for a further Supply to Your Majesty, the further Additional Duty of Twenty Shillings Sterling, on every Hundred Weight of Molasses, and the further Additional Duty of Twenty Shillings Sterling, on every Hundred Weight of Treacle, which, in and by the said Act of Parliament, made in the First Year of Your Majesty's

Majesty's Reign, were Granted unto Your Majesty from the Twenty fifth Day of March, which was in the Year of Our Lord One thousand seven hundred Twenty and Eight, until the Twenty Fifth Day of December, One thousand seven hundred Twenty and nine, inclusive, and which were further Granted and Continued unto Your Majesty, from Time to Time by other Acts of Parliament, made in this Kingdom from the said Twenty fifth Day of December, One thousand seven hundred and Twenty nine, until the Twenty fifth Day of December, One Thousand seven hundred and thirty nine inclusive, Be further Granted, Continued, Collected, Levied and paid unto Your Majesty, Your Heirs and Successors, from the said Twenty fifth Day of December, One thousand seven hundred and thirty nine, until the Twenty fifth Day of December, One thousand seven hundred and forty one, inclusive.

And be it further Enacted by the Authority aforesaid, That for a Further Supply to Your Majesty, an Additional Duty of Six Pence per Yard for all Foreign Stuffs, Called Romalls, and all Manufactures Made of Cotton, or of Cotton and Linnen Mixed, whether Plain, Painted or Stained, which shall be Imported into this Kingdom from any Parts abroad; (Except the Manufactures of Great Britain) And also an Additional Duty of Six Pence per Yard, over and above the Present Du-

ties, for all Cambricks not of the Manufacture of Great Britain, which shall be Imported into this Kingdom, Exceeding a Yard Wide; Shall be Raised, Levied, Collected, and Paid to Your Majesty, Your Heirs and Successors, from the Twenty fifth Day of December, One thousand seven hundred and thirty nine, to the Twenty fifth Day of December, One thousand seven hundred and forty one, inclusive.

And be it further Enacted by the Authority aforesaid, That the said Additional Rates and Duties on Coffee, Tea, Chocolate and Cocoa-Nuts, and all Money Arising thereby, Shall be Paid to the Trustees Appointed for the Management of the Hempen and Flaxen Manufactures of this Kingdom, to be by them Applied to Encourage and Support the said Manufactures, and the Trade thereof, in this Kingdom.

And be it further Enacted by the Authority aforesaid, That all and every the several and respective Additional Duties hereby Granted or Continued, shall be Raised, Answered, Collected, and Paid unto Your Majesty, Your Heirs and Successors, during the Term aforesaid, at the same Time, and in like Manner, and by such Ways, Means and Methods, and by such Rules and Directions, and under such Penalties and Forfeitures, and with such Powers, as are Appointed, Directed and Expressed in and by the said Act, Made in

this

this Kingdom in the Fourteenth Year of the Reign of King Charles the Second [Intituled, An Act for the Settling of the Exciſe, or New Impoſt, upon His Majeſty, His Heirs and Succeſſors, according to the Book of Rates, therein inſerted] or by any other Law now in Force, Relating to the Revenue or Exciſe in this Kingdom, as Fully and Effectually, to all Intents and Purpoſes, as if the Same were particularly Mentioned, Expreſſed, and Enacted again in the Body of this Preſent Act; With like Remedy of Appeal to and for the Party grieved, as in and by the ſaid Act of Exciſe, or any other Law now in being, Relating to the Duties of Exciſe, is Provided.

And be it further Enacted by the Authority aforeſaid, That the Sixpence per Pound, and all other Fees which ſhall or may be payable to the Vice-Treaſurer or Vice-Treaſurers, Pay-Maſter or Receiver-General, for, on Account of, or out of the Aids hereby Granted unto Your Majeſty, other than, and Except ſuch Part thereof, as is herein after Appointed to be Paid to the Truſtees of the Hempen and Flaxen Manufactures of this Kingdom, ſhall be Received by the ſaid Vice-Treaſurer or Vice-Treaſurers, Receiver or Pay-Maſter General, for the Uſe of Your Majeſty, Your Heirs and Succeſſors, during the Term aforeſaid; And ſhall be duly Accounted for by him or them, to Your Majeſty, Your Heirs and Succeſſors, as a Further and Additional Aid hereby Given and Granted.

And be it further Enacted by the Authority aforesaid, That the several Sums hereafter mentioned, be Paid out of the aforesaid Additional Duties and Aids Granted and Continued to Your Majesty by this Present Act, to Persons herein after mentioned (that is to say) The Sum of Two thousand Pounds per Annum for Two Years, from the Twenty fifth Day of December, One thousand seven hundred thirty and nine, to the Twenty fifth Day of December, One thousand seven hundred forty and one, inclusive, to the Trustees Appointed for the Management of the Hempen and Flaxen Manufactures of this Kingdom, for Encouraging the Raising of sufficient Quantities of Hemp and Flax in this Kingdom; Also the further Sum of Two thousand Pounds per Annum for Two Years, from the said Twenty fifth Day of December, One thousand seven hundred and thirty nine, to the said Twenty fifth Day of December, One thousand seven hundred and forty one, inclusive, to the said Trustees Appointed for the Management of the Hempen and Flaxen Manufactures of this Kingdom, for the further Encouragement of the said Hempen and Flaxen Manufactures in the Provinces of Leinster, Munster, and Connaught, Freed and Discharged, from the Payment of the Six Pence per Pound, and all other Fees which shall or may be payable to the Vice-Treasurer, Receiver, or Pay-Master General of this King-

Kingdom, Clerk of the Pells, or any other Officer or Officers of this Kingdom: Also the Sum of Three hundred Pounds Sterl. to Agmondisham Vesey, Esquire, Accomptant-General, as a Reward for his Expence and Trouble, in Preparing and Stating the Publick Accompts of the Nation, Laid before the House of Commons this Session of Parliament: Also the Sum of Two hundred Pounds to Isaac Ambrose, a Clerk of the house of Commons, as a Reward for his Attendance and Service this Session of Parliament; Also the Sum of Three hundred Pounds to Burdet Worthington, a Clerk of the House of Commons, as a Reward for his Attendance and Service this Session of Parliament; Also the Sum of Two hundred Pounds to John Ker, Clerk-Assistant, as a Reward for his Attendance and Service this Session of Parliament; Also the further Sum of Fifty Pounds to the said John Ker, as a Recompence for his extraordinary Attendance, on the Committee of Privileges and Elections, the First Session of this present Paliament; Also the Sum of Three hundred Pounds Sterl. to Richard Povey, Serjeant at Arms, as a Reward for his Attendance and Service this Session of Parliament; Also the further Sum of One hundred Pounds to the said Richard Povey, as a Reward for his extraordinary Attendance, on the said Committee of Privileges and Elections, the First Session of this Parliament; The Sum of Two

hundred and fifty Pounds to Joseph Landers and Boyle Browne, the Clerks Attending the Committee of Accounts, and other Committees, as a Reward for their Attendance and Service this Session of Parliament, to be Equally Divided between them; The Sum of Eighty Pounds to John Green and James Savage, Door-Keepers of the Houle of Commons, as a Reward for their Attendance and Service this Session of Parliament, to be Equally Divided between them; The Sum of One hundred and Twelve Pounds to Samuel Fairbrother for Printing the Publick Accounts Laid before the Houle of Commons this Session of Parliament; Also to Hugh Boyd of Ballycastle, in the County of Antrim Esquire, the Sum of Five thouland Pounds, to Compleat a sufficient Harbour at the Colliery of Ballycastle, Subject to Account, and upon the same Terms that the like Sum of Five thouland Pounds was Granted to him the last Session of Parliament, pursuant to his Recognizance; Also the Sum of Four thouland Pounds, to the Governor and Company for Carrying on the Cambrick Manufacture in Dundalk or elsewhere, in the Kingdom of Ireland; And also the Sum of Five hundred Pounds, to Enable Lieutenant Samuel Chaplin, to Prolecute the Discovery he has made of a Whale Fishery, on the West-Coast of this Kingdom, to be paid unto the Right Honourable William Conolly Esquire,

quire, Colonel Henry Conyngham, Colonel John Folliot, Arthur Dobbs Esquire, George Knox Esquire, Captain John Folliot, David Bindon and Arthur Gore Esquires; To be by them, or any Three of them, from Time to Time paid to the said Lieutenant Samuel Chaplin, as they shall think fit for Carrying on the said Fishery: All which said several Sums are to be Paid by the Vice-Treasurer or Receiver-General of this Kingdom, without any further or other Warrant to be Sued for, Had or Obtained in that Behalf.

AN

ACT

FOR

Granting to His Majeſty, a further Additional Duty on Wine, Silk, Hops, China, Earthen, Japanned or Lacquered Ware, and Vinegar; And alſo, a Tax of Four Shillings in the Pound on all Salaries, Profits of Employments, Fees and Penſions, to be applied to Pay an Intereſt of Five Pounds *per Cent. Per Annum*, for the Sum of Three hundred Thouſand Pounds, or ſuch Part thereof, as ſhall remain Unpaid on the Twenty Fifth Day of *December*, One thouſand ſeven hundred and thirty nine, and towards the Diſcharge of the ſaid Principal Sum.



DUBLIN:

Printed by GEORGE GRIERSON, Printer to the King's Moſt Excellent Majeſty, at the *King's-Arms* and *Two Bibles* in *Eſſex-Street*, MDCCXXXIX.

AN

ACT

FOR

Granting to His Majesty, a further Additional Duty on Wine, Silk, Hops, China, Earthen, Japanned or Lacquered Ware, and Vinegar; And also, a Tax of Four Shillings in the Pound on all Salaries, Profits of Employments, Fees and Pensions, to be applied to Pay an Interest of Five Pounds per Cent. Per Annum, for the Sum of Three hundred Thousand Pounds, or such Part thereof, as shall remain Unpaid on the Twenty Fifth Day of December, One thousand seven hundred and thirty nine, and towards the Discharge of the said Principal Sum.

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Printed by George Grierson, Printer to the King's Most Excellent Majesty, at the King's-Arms and Two Bibles in Essex-Street, MDCCXXXIX.

AN

ACT

FOR

Granting to His Majeſty a further Additional Duty on Wine, Silk, Hops, China, Earthen, Japanned, or Lacquered Ware, and Vinegar; And alſo, a Tax of Four Shillings in the Pound, on all Salaries, Profits of Employments, Fees and Penſions, to be applied to Pay an Intereſt of Five Pounds *per Cent. per Annum*, for the Sum of Three hundred thouſand Pounds, or ſuch Part thereof, as ſhall remain Unpaid on the Twenty fifth Day of *December*, One thouſand ſeven hundred and thirty nine, and towards the Diſcharge of the ſaid Principal Sum.

CHAP. II.

WHEREAS, in purſuance of an Act of Parliament Made and paſſed in the Fifth Year of Your Majeſty's Reign [Intituled, An Act for Granting to His Majeſty, a further Additional Duty on Wine, Silk, Hops, China, Earthen, Japanned or Laquered Ware, and Vinegar; And alſo, a Tax of Four Shillings in the Pound

on all Salaries, Profits of Employments, Fees and Penſions, to be Applied to Pay an Intereſt of Five Pounds *per Cent. per Annum*, for the Sum of Three hundred thouſand Pounds, and towards the Diſcharge of the ſaid Principal Sum] **Orders or Receipts were Iſſued out of Your Majeſty's Treaſury for the Sum of Three hundred thouſand Pounds, bearing an Intereſt at the Rate of Five Pounds** per Cent. per Annum.

And whereas, the ſeveral Aids and Duties thereby Granted to Your Majeſty, were, by one other Act Made and Paſſed in the Seventh Year of Your Majeſty's Reign [Intituled, An Act for Granting to His Majeſty a further Additional Duty on Wine, Silk, Hops, China, Earthen, Japanned or Laquered Ware, and Vinegar; And alſo, a Tax of Four Shillings in the Pound on all Salaries, Profits of Employments, Fees, and Penſions, to be Applied to Pay an Intereſt of Five Pounds *per Cent. per Annum*, for the Sum of Three hundred thouſand Pounds, or ſuch Part thereof, as ſhall remain Unpaid on the Twenty fifth Day of *December*, One thouſand ſeven hundred and thirty three, and towards the Diſcharge of the ſaid Principal Sum] **Continued until the Twenty fifth Day of December, in the Year of Our Lord, One thouſand ſeven hundred thirty and five, inclusive, for the Payment of the ſaid Three hundred thouſand Pounds, and Intereſt, or ſuch Part thereof as remained Unpaid on the ſaid Twenty fifth Day of** December, **One thouſand ſeven hundred thirty and three.**

And

And whereas, the ſaid ſeveral Aids and Duties thereby Granted to Your Majeſty, were by One other Act Made and Paſſed in the Ninth Year of Your Majeſty's Reign [Intituled, An Act for Granting unto His Majeſty a further Additional Duty on Wine, Silk, Hops, China, Earthen, Japanned or Lacquered Ware, and Vinegar; And alſo, a Tax of Four Shillings in the Pound on all Salaries, Profits of Employments, Fees, and Penſions, to be applied to Pay an Intereſt of Five Pounds *per Cent. per Annum*, for the Sum of Three hundred thouſand Pounds, or ſuch Part thereof, as ſhall remain Unpaid on the Twenty fifth Day of *December*, One thouſand ſeven hundred and thirty five, and towards the Diſcharge of the ſaid Principal Sum] Continued until the Twenty fifth Day of December, in the Year of Our Lord, One thouſand ſeven hundred thirty and ſeven, inclusive, for the Payment of the ſaid Three hundred thouſand Pounds and Intereſt, or ſuch part thereof as remained Unpaid on the ſaid Twenty fifth Day of December, One thouſand ſeven hundred and thirty five.

And whereas, the ſaid ſeveral Aids and Duties thereby Granted to Your Majeſty, were by One other Act Made and Paſſed in the Eleventh Year of Your Majeſty's Reign [Intituled, An Act for Granting to His Majeſty a further Additional Duty on Wine, Silk, Hops, China, Earthen, Japanned or Lacquered Ware, and Vinegar; And alſo, a Tax of Four Shillings in the Pound on all Salaries, Profits of Employments, Fees, and Penſions, to

be Applied to Pay an Intereſt of Five Pounds *per Cent. per Annum*, for the Sum of Three hundred thouſand Pounds, or ſuch part thereof, as ſhall remain Unpaid on the Twenty fifth Day of *December*, One thouſand ſeven hundred and thirty ſeven, and towards the Diſcharge of the ſaid Principal Sum] Continued until the Twenty fifth Day of December, in the Year of Our Lord, One thouſand ſeven hundred thirty and nine, inclusive, for the Payment of the ſaid Three hundred thouſand Pounds and Intereſt, or ſuch Part thereof as remained Unpaid on the ſaid Twenty fifth Day of December, One thouſand ſeven hundred and thirty ſeven.

And whereas, the ſeveral Aids and Duties thereby Granted to Your Majeſty, have not proved Sufficient to Pay and Diſcharge the ſaid Three hundred thouſand Pounds, and Intereſt, or ſuch Part thereof as remained Unpaid on the ſaid Twenty fifth Day of December, One thouſand ſeven hundred and thirty ſeven, but the greateſt Part of the ſaid Principal Sum of Three hundred thouſand Pounds will remain Unpaid and Unſatisfied, on the ſaid Twenty fifth Day of December, One thouſand ſeven hundred and thirty nine.

Be it therefore Enacted by the King's Moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons in this preſent Parliament Aſſembled, and by the Authority of the ſame, That for the ſaid Sum of Three hundred thouſand Pounds,

or for so much thereof as shall remain Unpaid on the said Twenty fifth Day of December, in the Year of Our Lord One thousand seven hundred and thirty nine, there shall be Paid at the Receipt of Your Majesty's Exchequer, by the Hands of the Vice-Treasurer or Pay-Master General, Vice-Treasurers or Pay-Masters General, his or their Deputy or Deputies, at the End of every Six Calendar Months, from the said Twenty fifth Day of December, One thousand seven hundred and thirty nine, to the Person or Persons who have paid or Lent the same, his, her or their Executors, Administrators, or Assigns, an Interest according to the Rate of Five Pounds per Cent. per Annum, without any Fee or Charge, and free from all Deductions, Defalcations and Abatements whatsoever, from and after the said Twenty fifth Day of December, One thousand seven hundred and thirty nine, until such Time as they be respectively paid their Principal Money at one entire Payment.

And be it further Enacted by the Authority aforesaid, That such Person or Persons who shall be Intitled to any Part of the said Sum of Three hundred thousand Pounds, which shall be Unpaid on the said Twenty fifth Day of December, One thousand seven hundred and thirty nine, and shall not be willing to Continue the same at the Interest of Five Pounds per Cent. per Annum, shall, upon the Assignment of their unsatisfied Orders or Re-

ceipts to the Vice-Treasurer or Vice-Treasurers, his or their Deputy or Deputies, be paid the Principal Sum so due to them on the said Twenty fifth Day of December, One thousand seven hundred and thirty nine, and all Interest then due thereon; And the said Vice-Treasurer or Vice-Treasurers, his or their Deputy or Deputies, shall and may Assign such Receipts or Orders to such person or persons who shall Advance the Principal Money due thereon; Which Receipts or Orders so to be Assigned by the said Vice-Treasurer or Vice-Treasurers, his or their Deputy or Deputies, shall Intitle the Assignees thereof to the Principal Money due thereon, and to all Interest to grow due for the same from the Dates of such Assignments respectively.

And be it further Enacted by the Authority aforesaid, That all and every Person or Persons to whom such Orders or Receipts for the said Sum of Three hundred thousand Pounds, or any part thereof, have been given, his, her or their Executors, Administrators or Assigns, may, by Indorsements on such Orders or Receipts, Transfer the Right and Benefit of the Sum due upon such Orders or Receipts, which Indorsements, upon Notice to the Vice-Treasurer or Vice-Treasurers, his or their Deputy or Deputies, and an Entry or Memorial thereof Made in the said Vice-Treasurer's Office (which the said Vice-Treasurer or Vice-Treasurers, his or

their

their Deputy or Deputies, shall, upon Request, without Charge, Fee or Reward, Make accordingly, and shall, on Request, permit the same to be Viewed at the usual Office-Hours, without Fee or Reward) shall Intitle the Indorsee or Assignee, his or her Executors, Administrators and Assigns, to the sole Benefit of the Sum so Transferred or Assigned; And that the said Order or Receipt may in like Manner be Assigned or Transferred by such Assignee, his or her Executors, Administrators or Assigns, and so toties quoties; And that after such Assignment it shall not be in the Power of the Person or Persons who made such Assignment, to make Void Release or Discharge the said Assignment, or to Discharge or Receive the Sum thereby Transferred or Assigned or any Part thereof.

And to the End and Intent, that the Interest of the said Sum of Three hundred thousand Pounds, or so much thereof as shall remain Unpaid on the said Twenty fifth Day of December, One thousand seven hundred and thirty nine, after the Rate of Five Pounds per Cent. per Annum, may be duly and Regularly paid half-Yearly, according to the true Intent and Meaning of this Act;

Be it further Enacted by the Authority aforesaid, That from and after the Twenty fifth Day of December, which shall be in this Present Year of our Lord, One thousand seven hundred and thirty nine,

there ſhall be throughout this Your Majeſty's Kingdom of Ireland, Raiſed, Levied, Collected, and Paid to Your Majeſty, until the Twenty fifth Day of December, One thouſand ſeven hundred and forty one, inclusive, and no Longer, over and above the Rates and Duties already Payable for the Same, and over and above the ſeveral Additional Duties Granted and Continued to Your Majeſty this Preſent Seſſion of Parliament by an Act Intituled, An Act for Granting and Continuing to His Majeſty an Additional Duty on Beer, Ale, Strong-Waters, Wine, Tobacco, and other Goods and Merchandizes, therein mentioned, the ſeveral Further New Additional Rates and Duties herein after Mentioned (That is to ſay) One Pound Thirteen Shillings per Tun for, and upon all Sorts of Wines of the Growth of Portugal, and Three Pounds per Tun for, and upon all other Sorts of Wine, that ſhall be Imported into this Kingdom from the ſaid Twenty fifth Day of December, One thouſand ſeven hundred and thirty nine, to the Twenty fifth Day of December, One thouſand ſeven hundred and forty one, inclusive, and ſo Proportionably for a Greater or Leſſer Quantity; And alſo the Sum of Two Shillings and Six-Pence per Pound-Weight for, and upon all Manufactures Made of Silk (Except the Manufactures of Great Britain, China, Perſia, or the Eaſt-Indies) that ſhall be Imported into this Kingdom, During the

the Time aforesaid; And also, One Half-penny per Pound-Weight for, and upon all Hops, that shall be Imported into this Kingdom, During the Time aforesaid; And also Five Pounds per Cent, for, and upon all China, Earthen, Japanned or Lacquered Ware, that shall be Imported into this Kingdom, During the Time aforesaid, as Valued or Rated for Custom by the Book of Rates Annexed to an Act Made in the Fourteenth Year of the Reign of King Charles the Second in this Kingdom, Intituled, An Act for Settling the Subsidy of Poundage, and Granting a Subsidy of Tunnage, and other Sums of Money, unto His Royal Majesty, His Heirs and Successors, the same to be Paid upon Merchandizes Imported and Exported into, or out of the Kingdom of *Ireland*, according to a Book of Rates hereunto annexed; And also, Twenty Shillings per Tun for, and upon all Sorts of Vinegar, that shall be Imported into this Kingdom, During the Time aforesaid; And so Proportionably for a Greater or Lesser Quantity.

Provided allways, And be it further Enacted by the Authority aforesaid, That if any of the said Goods and Merchandizes on which the said Additional Duties are Charged, shall, after Payment thereof, or Security Given for the same, be again Exported by any Merchant or Merchants, that is or are a Subject or Subjects of this Realm, or any other his Majesty's Dominions, within Eighteen Months, or by Merchant-Strangers within Twelve

Months, after the Importation thereof, and due Proof first Made by Certificate from the Proper Officers, of the due Entry of the Goods and Merchandizes hereby Charged with the said Duties, and of the Payment of the Additional Duties hereby Granted and Charged thereon, or Security having been Given for the same, and that all other Requisites have been Performed which are, by Law, Required to be Performed, in Cases where the Duties of Excise are to be Repaid, by Virtue of an Act Made in this Kingdom in the Fourteenth Year of the Reign of King Charles the Second [Intituled, An Act for the Settling of the Excise, or New Impost, upon His Majesty, His Heirs and Successors, according to the Book of Rates therein inserted] that then the said Additional Duties shall, without any Delay, be Repaid or Allowed unto such Merchant or Merchants so Exporting the same, within One Month after Demand thereof, or the Security for the said Additional Duties hereby Charged, shall be Vacated or Discharged, as to so much as shall be so Exported; Any Thing herein Contained to the Contrary notwithstanding.

And be it further Enacted by the Authority aforesaid, That all and every the several and respective Additional Duties hereby Granted, shall be Raised, Answered, Collected, and Paid unto Your Majesty, Your Heirs and Successors, During the Time aforesaid, at the same Time, in like Manner

Manner, and by such Ways, Means and Methods, and by such Rules and Directions, and under such Penalties and Forfeitures, and with such Powers, as are Appointed, Directed and Expressed, in and by the said Act, Made in this Kingdom in the Fourteenth Year of King Charles the Second [Intituled, An Act for the Settling of the Excise, or New Impost, upon His Majesty, His Heirs and Successors, according to the Book of Rates therein inserted] or by any other Law now in Force, Relating to the Revenue of Excise, in this Kingdom, as Fully and Effectually, to all Intents and Purposes, as if the same were herein particularly Mentioned, Expressed and Enacted again, with like Remedy of Appeal to and for the Party Grieved, as in and by the said Act of Excise, or any other Law now in Force, Relating to the Duties of Excise, is Provided.

And be it further Enacted by the Authority aforesaid, That all and every Person and Persons, who shall have, upon the said Twenty fifth Day of December, One thousand seven hundred and thirty nine, or who shall have at any Time, between the said Twenty fifth Day of December, One thousand seven hundred and thirty nine, and the Twenty fifth Day of December, One thousand seven hundred and forty one inclusive, any Salary, Profits of Employments, Fees or Pensions, in this Kingdom, shall pay unto your Majesty the full Sum of Four Shillings, Sterling, out of every

Twenty Shillings a Year, which he, the or they, do or shall Receive, or be Intitled unto, by Reason of such Salaries, Profits of Employments, Fees or Pensions, over and above the Charges and Expences of Executing the said Employments, unless such Person or Persons do, or shall Live and actually Reside within this Kingdom, for and during the Space of Six Calendar Months at least in each of the said Years; Which said Tax, or Duty, of Four Shillings, Sterl. out of every Twenty Shillings a Year, as aforesaid, out of such respective Salaries and Pensions, shall be Stopped and Deducted Yearly, during the Time and Term aforesaid, by the Vice-Treasurer, Paymaster and Receiver-General of Your Majesty's Revenue, or by such Person or Persons, who is, or are to Pay the same; And which said Tax of Four Shillings in the Pound, to be Stopped and Deducted as aforesaid, by the Person or Persons, who are to pay the said Salaries, shall be by him, or them, Paid to the Vice-Treasurer or Vice-Treasurers, his or their Deputy or Deputies, to be Accounted for to your Majesty; And also, that the said Tax of Four Shillings in the Pound, to be Stopt or Deducted out of the Profits, and Fees of any Person or Persons, so Absent, as aforesaid, shall be Stopped by the respective Deputy and Deputies of such Person and Persons so Absent, as aforesaid, and paid by them to the said Vice-Treasurer or Vice-Treasurers,

ers, his or their Deputy or Deputies, to be Accounted for to Your Majesty; And that such Deputy or Deputies shall, within one Calendar Month after such Tax shall become Due, Give in, upon Oath, an Account, before the Lord Chief Baron, or any of the Barons of the Exchequer, or any two Justices of the Peace, of the Neat Profits of such Employment or Employments, for which such Deputy or Deputies are or shall be Accountable to their Principals; Which Account, such Person or Persons, to whom the same shall be Given, upon Oath, as aforesaid, shall forthwith Send to the said Vice-Treasurer or Vice-Treasurers, his or their Deputy or Deputies; And in Case such Deputy or Deputies shall Omit or Neglect to Give in, upon Oath, such Account, within the Time herein before, for that Purpose, Appointed, such Deputy or Deputies Neglecting or Omitting the same, from the Time of such Omission or Neglect, shall be incapable of Exercising or Holding such Deputation, and shall also Forfeit the Sum of One hundred Pounds Sterling, to be Recovered by Bill, Plaint or Information, in any of his Majesty's Courts of Record at Dublin, One Moiety thereof to the Use of his Majesty, and the other Moiety to such Person or Persons, who shall Sue for the same; In which Suit no Essoign, Protection, Wager of Law, or more than one Imparlance, shall be Allowed.

And be it further Enacted by the Authority aforesaid, That the Secretary or Secretaries of the Commissioners of Your Majesty's Revenue, the Agent and Agents of the several Regiments, upon the Establishment of this Kingdom, and the Agent and Agents of the several Persons, who are Intitled to Receive any Salaries or Pensions, upon Your Majesty's Establishment, shall respectively on or before the last Day of February, Yearly, Deliver in upon Oath (which Oath the said Lord Chief Baron, or any One of the Barons, of Your Majesty's Court of Exchequer, or any Two Justices of the Peace, are hereby Required and Impowered to Administer) to the best of their Knowledge, a List or Account of such of the Officers of the Revenue, and the Officers of the said Regiments, of the Degree of a Field-Officer, and of the Person or Persons, who are Intitled to Receive any such Salaries or Pensions, who shall have been Absent, and Out of this Kingdom, for Six Calendar Months in the Year, Ending the Twenty fifth Day of December, next Preceding; And in Case such Secretary or Secretaries, Agent or Agents, shall Refuse or Neglect to Deliver in such Lists respectively, he or they shall be Disabled from Holding and Enjoying, the said Office of Secretary or Secretaries, or from being Agent or Agents.

Provided allways, And be it further Enacted, and Declared, by the Authority aforesaid, That this Act shall not extend to

Charge

Charge the said Tax or Duty of Four Shillings, Sterling, a Year, on every Twenty Shillings, as aforesaid, upon the Salary, Pension, Fees, or Profits of Employments, payable to the Lord Lieutenant, or other Chief Governor or Governors of this Kingdom, for the Time being, His or Their Secretary or Secretaries; Nor to such Person or Persons, who shall, within One Month after such Tax shall become payable, be Exempted from the Payment thereof, by His Majesty's Sign Manual, Produced for that Purpose, and Lodged with the Vice-Treasurer or Vice-Treasurers of this Kingdom, or His or Their Deputy or Deputies, within One Month after the said Tax shall become Due; Nor to the Officers of such Regiments, as now are, or shall hereafter be Commanded Abroad, on His Majesty's Service; Nor to the Half-Pay Officers on the Establishment of this Kingdom; Nor to the Widows of Officers; Nor to any Officer under the Degree of a Field-Officer.

And be it further Enacted by the Authority aforesaid, That neither the Six Pence per Pound, nor any other Fees, shall be payable to, or be Deducted or Received by the Vice-Treasurer, Receiver or Pay-Master General, Clerk of the Pells, or any other Officer or Officers of this Kingdom, for or on Account of, or out of the Aids hereby Granted to Your Majesty; Or of

any Payment to be made thereout, in Pursuance of this Act.

And be it further Enacted by the Authority aforesaid, That the several Duties and Aids, and the said Tax of Four Shillings in the Pound, hereby Granted unto Your Majesty, shall in the First Place be Applied and Paid by the Vice-Treasurer or Vice-Treasurers, His or Their Deputy or Deputies, to the Discharge of the Interest of the said Sum of Three hundred Thousand Pounds, or so much thereof as shall remain Unpaid on the said Twenty Fifth Day of December, in the Year of Our Lord, One thousand seven hundred and thirty nine, and that all the Surplus of the said Aids and Duties hereby Granted to Your Majesty, over and above what shall be sufficient to Discharge the said Interest of the said Sum of Three Hundred Thousand Pounds, or so much thereof as shall be Unpaid on the said Twenty fifth Day of December, One thousand seven hundred and thirty nine, shall be Applied towards the Discharge of the said Principal Sum of Three Hundred Thousand Pounds, or so much thereof as shall be Unpaid on the said Twenty Fifth Day of December, One thousand seven hundred and thirty nine, in Manner herein after Mentioned (viz.) That when and as often as such Surplus Received by the Vice-Treasurer or Vice-Treasurers, His or Their Deputy or Deputies, shall Amount to the Sum of Five Thousand Pounds, that then the

Vice-

Vice-Treasurer or Vice Treasurers, His or Their Deputy or Deputies, shall cause the Numbers of all the Receipts or Orders, which shall Remain Unsatisfied on the Twenty Fifth Day of December, One thousand seven hundred and thirty nine, and the Sums therein Contained, to be Written on several Tickets or Pieces of Parchment, and to be Rolled and Selved up, and put into a Box or Urn, and well Mixed together, and an Indifferent Person shall publickly, between the Hours of Ten and Twelve in the Forenoon, of a Day to be by the said Vice-Treasurer or Vice-Treasurers, his or their Deputy or Deputies, publickly Advertized in the Dublin-Gazette for that Purpose, at least Twenty Days before, at the Office of the Vice-Treasurer or Vice-Treasurers, Draw out of such Box or Urn, as many of the said Tickets or Pieces of Parchment, as the Sums therein Contained shall Amount to the said Sum of Five thousand Pounds, and the Person or Persons, the Number of whose Order or Receipt shall be so Drawn, his or their Executors, Administrators or Assigns, shall, within Twenty Days after the said Tickets or Pieces of Parchment shall be Drawn, be Paid by the said Vice-Treasurer or Vice-Treasurers, His or Their Deputy or Deputies, the Principal Sums to Him or Them respectively Due, with Interest for the same, at the Rate of Five Pounds per Cent. per Annum, till Paid; and shall, upon Pay-

ment thereof, Deliver up his and Their ſeveral and reſpective Orders and Receipts to the ſaid Vice-Treaſurer or Vice-Treaſurers, his or Their Deputy or Deputies, to be Cancelled, Which He or They are hereby Required to Cancel accordingly, and the Intereſt Payable by Virtue of ſuch Orders or Receipts, ſhall Ceaſe from the Expiration of Twenty Days, to be Accounted from the Day of Drawing the ſaid Tickets or Pieces of Parchment.

And be it further Enacted by the Authority aforeſaid, That if any Part of the ſaid Principal Sum of Three hundred thouſand Pounds ſhall be Due and Unpaid, on the Twenty fifth Day of December, which ſhall be in the Year of Our Lord, One thouſand ſeven hundred and forty one, the Same ſhall be well and truly Satisfied and Paid unto the ſeveral and reſpective Perſons, their Executors, Adminiſtrators and Aſſigns reſpectively, to whom the Same ſhall be then Due, together with ſuch Intereſt for the Same, as ſhall be then Due, at the Rate of Five Pounds, per Cent. per Annum, without any Deduction, Defalcation, or Abatement whatſoever.

And be it further Enacted by the Authority aforeſaid, That from and after the ſaid Twenty fifth Day of December, One thouſand ſeven hundred and thirty nine, a Separate and Diſtinct Account ſhall be kept, by the Proper Officers, of the Aids, Duties and Taxes, Granted by this

this Act, or any other Act of Parliament now in Force in this Kingdom, and Appropriated to Particular Uſes, and that the Commiſſioners of His Majeſty's Revenue, ſhall Return their Weekly Abſtracts from the ſeveral Collectors to the Accomptant-General, and that the Accomptant-General ſhall Return a Separate Account of the ſeveral Duties and Taxes ſo Appropriated, to the Vice-Treaſurer or Vice-Treaſurers, his or their Deputy or Deputies; And that every Collector or Receiver of the ſaid Duties and Taxes, do take a Separate Receipt for the Same, when paid into His Majeſty's Treaſury, which ſaid Receipt, the Vice-Treaſurer or Vice-Treaſurers, his or their Deputy or Deputies, is and are hereby Required to give accordingly.

this Act, or any other Act of Parliament now in Force in this Kingdom, and Appropriated to Parliamentary Uses, and that the Commissioners of his Majesty's Treasury, shall Return their Orders already Issued to the Several Collectors to the Accompt-General, and that the Accompt-General shall Return a Separate Account of the several Sums and Sums so Appropriated, to the Vice-Treasurer of Treasurers, his or their Deputy or Deputies: And that every Collector or Receiver of the said Duties and Sums, do take a Separate Receipt for the Same, when paid unto his Majesty's Treasury, which said Receipt, the Vice-Treasurer of Treasurers, his or their Deputy or Deputies, is and are hereby required to give accordingly.

CHAP. III.

AN

ACT

FOR

Continuing *and* Amending

SEVERAL

LAWS

HERETOFORE MADE,

Relating to His MAJESTY's Revenue, and the more effectual Preventing Frauds in His Majesty's Customs and Excise.

G. II. R.



DUBLIN:

Printed by GEORGE GRIERSON, Printer to the King's Most Excellent Majesty, at the *King's-Arms* and *Two Bibles* in *Essex-Street*, MDCCXL.

AN

ACT

FOR

Capturing and Arresting

SEVERAL

LAWS

Heretofore Made,

Relating to His Majesty's Revenue,

and the more effectual Preventing Frauds

in His Majesty's Customs and Excise.

AN

ACT

FOR

Continuing and Amending ſeveral Laws heretofore Made, Relating to His Majeſty's Revenue, and the more effectual Preventing Frauds in His Majeſty's Cuſtoms and Exciſe.

CHAP. III.

WHEREAS the ſeveral Statutes herein after mentioned, have been found to be of General Uſe but are nowb near Expiring;

Be it Enacted by the King's Moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons in this Preſent Parliament Aſſembled, and by the Au=

Chap. III.

thority of the same, That an Act of Parliament Made in this Kingdom, in the Sixth Year of the Reign of his late Majesty King George the First, Intituled, An Act for the more Effectual Preventing the Running of Goods, and for the further Preventing Frauds Committed in His Majesty's Customs; And One other Act of Parliament Made in this Kingdom, in the Twelfth Year of the Reign of His said late Majesty King George the First, Intituled, An Act to Prevent the Fraudulent and Clandestine Importing of Goods; And also such Parts of One other Act of Parliament, Made in this Kingdom, in the Seventh Year of His Present Majesty's Reign, Intituled, An Act for Continuing and Amending an Act, Intituled, *An Act for the more Effectual Preventing several Frauds and Abuses, Committed in His Majesty's Customs and Excise, And for Settling the Rates of Certain Goods and Merchandizes, not particularly Valued in the Book of Rates*; And for Continuing and Amending an Act, Intituled, *An Act for the better Securing and Collecting His Majesty's Revenue; And also, for Preventing Frauds in the Collection thereof*, as are not Altered by an Act of Parliament Made in this Kingdom, in the Eleventh Year of His Present Majesty's Reign, Intituled, An Act for Continuing and Amending several Laws heretofore Made, Relating to His Majesty's Revenue, and the more effectual Preventing the Running of Goods; And also, That Part of One other Act of Parliament, Made in

the

the Ninth Year of His Present Majesty's Reign, Intituled, an Act for Continuing and Amending several Statutes, now near Expiring; **Whereby it is Enacted,** That where any Goods Exciseable, shall be Unshipped or Landed, out of any Vessel or Boat, not Exceeding the Burthen of Twenty five Tuns, not being in Leak or Wreck before due Entry Made of such Vessels or Boats, and of all the said Goods, at the Custom-House or Place Allowed for Landing, where such Vessel or Boat shall happen to Unship or Unlade, or at Unlawful Hours, or without the Knowledge, Privity and Consent of the Proper Officer or Officers, who should have Attended the Unlading of such Goods; All such Vessels and Boats, together with their Tackle and Furniture, shall be Forfeited; Which said Forfeiture may be Sued for and Recovered, in such Manner and Form, as is Mentioned in an Act Made in the Fourteenth Year of the Reign of King *Charles* the Second, Intituled, *An Act for Settling the Excise or New Impost, upon His Majesty, His Heirs and Successors, according to the Book of Rates therein Inserted*; With like Remedy of Appeal: Which Forfeitures, after Necessary Charges first Deducted, shall be, One Moiety thereof to the Use of His Majesty, and the other Moiety to him or them that shall Seize or Sue for the Same: **And likewise, such parts of One other Act of Parliament, Made in this Kingdom, in the First Year of His Present Majesty's Reign, Intituled,** An Act for the more effectual Preventing several Frauds and Abuses, Com-

CHAP. III.

CHAP. III.

Committed in His Majeſty's Cuſtoms and Exciſe; and for Settling the Rates of Certain Goods and Merchandizes, not particularly Valued in the Book of Rates; **And ſuch parts of One other Act of Parliament, Made in this Kingdom, in the Fifth Year of His preſent Majeſty's Reign, Intituled,** An Act for the better Securing and Collecting His Majeſty's Revenue, **as are not Altered or Repealed, by an Act of Parliament Made in the Third Year of His preſent Majeſty's Reign, Intituled,** An Act for the Encouragement of Tillage, and better Employment of the Poor; and alſo, for the more Effectual putting in Execution, an Act, Intituled, *An Act to Encourage the Draining and Improving of Boggs and Unprofitable Low Grounds, and for Eaſing and Diſpatching the Inland Carriage, and Conveyance of Goods from one Part to another within this Kingdom*; and alſo, For Laying Several Duties upon Coaches, Berlins, Chariots, Calaſhes, Chaiſes and Chairs, and upon Cards and Dice, and upon Wrought and Manufactured Gold and Silver Plate, Imported into, or Made in *Ireland*, for the Purpoſes therein Mentioned; and alſo, for Repealing the Duties Payable upon the Exportation of Wooll, Bay-Yarn and Woollen-Yarn, out of this Kingdom for *England*; **Or by another Act of Parliament Made in the Seventh Year of his preſent Majeſty's Reign, Intituled,** An Act for Continuing and Amending an Act, Intituled, *An Act for the more Effectual Preventing Several Frauds and Abuſes, Committed in His Majeſty's Cuſtoms and Exciſe*;

And

And for Settling the Rates of Certain Goods and Merchandizes not particularly Valued in the Book of Rates; and for Continuing and Amending an Act, Intituled, *An Act for the better Securing and Collecting His Majesty's Revenue*; *And also, for Preventing Frauds in the Collection thereof*; **Or by the said Act Made in the Eleventh Year of His Present Majesty's Reign, Intituled,** An Act for Continuing and Amending several Laws heretofore Made, Relating to His Majesty's Revenue, and the more effectual Preventing the Running of Goods; **and also the said Act, Made in the Eleventh Year of His Present Majesty's Reign, Intituled,** An Act for Continuing and Amending several Laws heretofore Made, Relating to His Majesty's Revenue, and the more effectual Preventing the Running of Goods; **Shall be and Remain in full Force, for the Term of Two Years, from the Expiration of the said Several Acts, and from thence to the End of the then next Ensuing Session of Parliament.** CHAP. III.

And whereas the Laws heretofore made to prevent Common Brewers of Beer and Ale from altering the Situation and Level of their Coolers, have proved ineffectual for want of convenient Stands commonly called Stages, constantly fixt to such Coolers, for the Gaugers and other Officers of Excise, to take the Level of such Coolers, when, and as often as they shall judge the same Necessary,

Chap. III.

For Remedy whereof, Be it Enacted by the Authority aforesaid, That every common Brewer of Beer or Ale, shall, on or before the Twenty Ninth Day of September, which shall be in the Year of Our Lord One thousand seven hundred and Forty, Erect and Fix, or cause to be Erected and Fixt, Lengthways from one End to the other of his and their Cooler and Coolers Respectively, and through the Center thereof, a Frame or Stage of Wood, at least Twelve Inches in Breadth, and Keep the same constantly so Fixt for the Purpose aforesaid, and in Default thereof, shall Forfeit the Sum of Twenty Pounds.

And whereas great Frauds are Practised by Common Brewers, Inn-Keepers, Victuallers, and Retailers of Beer and Ale, by keeping of Private and Concealed Cellars, and other Places for the Storing of their Beer, Ale, or Worts in Casks, sometimes in their own Houses or Yards, and sometimes in the Houses or Yards of other Persons; To Remedy which Evil,

Be it Enacted by the Authority aforesaid, That every Common Brewer, Inn-Keeper, Victualler, and Retailer of Beer and Ale, who shall Have, Keep, or Make Use of any Private and Concealed Cellar or other Place for the Laying or Storing of his Beer, Ale or Worts in Casks, and every other

other Perſon or Perſons, who ſhall knowingly Permit or Suffer any of his Houſes, Out-houſes or Yards to be made Uſe of, for the Concealing of the Beer, Ale or Worts in Caſks of any Common Brewer, Inn-Keeper, Victualler, or Retailer of Beer or Ale, ſhall, for every Time he or they ſhall ſo make Uſe of or Permit to be made Uſe of any ſuch Houſes, Out-houſes, Yards, Cellars or other Places for the Purpoſes aforeſaid, Forfeit and Loſe the Sum of Fifty Pounds Sterling; All which Forfeitures and Penalties ſhall and may be Sued for, and Recovered, Levyed and Applyed in ſuch Manner and Form, and by ſuch Ways and Methods, as are Preſcribed and Appointed, in, and by an Act of Parliament made in the Fourteenth Year of the Reign of King Charles the Second [Intituled, An Act for the Settling of the Exciſe or New Impoſt, upon His Majeſty, His Heirs and Succeſſors, according to the Book of Rates, therein Inſerted] with like Remedy of Appeal to the Party or Parties that ſhall think him or themſelves Aggrieved or Injured, as by the ſaid Act is Provided. CHAP. III.

And be it Enacted by the Authority aforeſaid, That every Common Brewer, Inn-Keeper, Victualler and Retailer of Beer and Ale, ſhall, on or before the ſaid Twenty Ninth Day of September, enter with the Gauger or other Officer of Excile,

Chap. III.

of the District within which such Common Brewer, Inn-Keeper, Victualler and Retailer of Beer and Ale Respectively shall Reside, all Cellars, Store-Houses, and places whatsoever, by them Respectively used, for laying up or Storing Beer, Ale or Worts in Casks, and that every Cellar, Store-house and Place whatsoever, which shall not be so Entred as aforesaid, or which shall not be so Entred before the same be made Use of, shall be Deemed and Taken to be a Private Cellar or Store-house, within the Meaning of this Act.

And whereas by an Act of Parliament, made the last Session of this Parliament, Beer or Ale is only to be Sold at Fairs, Assizes, Sessions, or other Places whatsoever, by Persons Licensed in such Manner as by the said Act is Prescribed, which has been found Detrimental to the Revenue, by Reason Beer and Ale Brewed in Publick Breweries, where the Excise is best Paid, is hindred to be Sold at such Publick Places, unless by Persons under License, who generally Brew their own Beer and Ale.

Be it therefore Enacted by the Authority aforesaid, That any Person or Persons, (except such Persons under License, who Brew their own Beer or Ale for Retail) that shall Buy Beer or Ale at any Publick Brewery, and obtain a Certificate from

from such Brewer, as also from the Gauger of the District, that such Beer or Ale was Brewed in such Publick Brewery, and hath paid the Excise, that it shall and may be Lawful for such Person or Persons (except as before Excepted) to Sell the same without License, at any Fair, Assizes, Sessions, Race, or other Publick Meeting, without being Liable to any the Penalties in the said Act contained. CHAP. III.

Provided allways, And be it further Enacted by the Authority aforesaid, That so much of this Act as is not mentioned to be for Continuing any former Act or Acts, Clause or Clauses, shall Continue, and be in Force for Two Years, from the Twenty Ninth Day of September next, and from thence to the End of the then next Session of Parliament, and no Longer.

CHAP. IV.

AN

ACT

FOR

Continuing ſeveral Temporary

STATUTES.

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DUBLIN:

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CHAP.
IV.

ACT

FOR

Continuing several Temporary

STATUTES.

AN ACT FOR Continuing ſeveral Temporary STATUTES.

CHAP. IV.

WHEREAS, the ſeveral Laws and Statutes herein after Mentioned, are found by Experience to be of General Uſe, and fit to be Continued.

Be it Enacted by the King's Moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons in this preſent Parliament Aſſembled, and by the Authority of the ſame, That an Act Intituled, An Act for the Real Union and Diviſion of Pariſhes, Made in the Second Year of His late Majeſty King George the Firſt; And alſo, an Act Made in the Tenth

CHAP. IV.

Year of His said late Majesty, Intituled, An Act for Explaining and Amending an Act, Intituled, *An Act for the Real Union and Division of Parishes*; And for Confirming an Exchange Made of a Piece of Ground, whereon the Parish-Church, and Vicarage-House of the Parish of St. *Anne*, in the Suburbs of the City of *Dublin*, was, by a Former Act of Parliament, Directed to be Built, for another Piece of Ground; And for Appropriating such other Piece of Ground to the same Uses; Both which Acts, by a Subsequent Act of Parliament, were continued to the Twenty Fifth Day of March, which shall be in the Year, One thousand seven hundred and Forty, and to the End of the next Session of Parliament; And also, An Act, Intituled, An Act for the better Securing the Rights of Advowson and Presentation to Ecclesiastical Benefices, Made in the First Year of His present Majesty; And by a Subsequent Act continued to the Twenty Fifth Day of March, which shall be in the Year One thousand seven hundred and Forty, and to the End of the Then next Session of Parliament; And also, An Act, Intituled, An Act for the more Effectual Punishing Stealers of Lead or Iron Bars fixed to Houses, or any Fences, belonging thereunto; And afterwards continued to the Twenty Fifth Day of March, which shall be in the Year, One thousand seven hundred and Forty, and to the End of the Then next Session of Parliament, Be, and each of the said Acts herein above Mentioned, are hereby

hereby Made Perpetual, and to continue in full Force, as they now severally Stand for Ever. CHAP. IV.

And be it further Enacted by the Authority aforesaid, That an Act, Intituled, An Act for the more Speedy and Effectual Repair of Bridges throughout the several Counties of this Kingdom, which was afterwards continued by an Act made in the Fifth Year of His present Majesty; And also, an Act, Intituled, An Act to prevent Frauds and Abuses in Bay-Yarn, exported to *Great Britain*, Made in the Seventh Year of His present Majesty, and afterwards continued to the First Day of November, which shall be in the Year, One thousand seven hundred forty and One, and from thence to the End of the Then next Session of Parliament; And also an Act, Intituled, An Act for the further Improvement and Encouragement of the Fishery of this Kingdom, Made in the Eleventh Year of His present Majesty; And also, one other Act, Intituled, An Act for the more Effectual preventing and further Punishment of Forgery, Perjury and Subornation of Perjury, and to make it Felony to Steal Bonds, Notes or other Securities for Payment of Money, and for the more Effectual Transporting Felons, Vagabonds, and Others, passed in the Third Year of His present Majesty; And by an Act for continuing several Temporary Statutes, and for other Purposes therein mentioned, passed the Seventh Year of His present

CHAP. IV.

Majesty, continued to the Twenty Fifth Day of March, which shall be in the Year of Our Lord, One thousand seven hundred and Forty, and to the End of the Then next Session of parliament; And all the above last recited Acts, and every Clause and Proviso therein contained, so far as the same stand unrepealed, are hereby continued in full Force, to the Twenty Fifth Day of March, which shall be in the Year of Our Lord, One thousand seven hundred and fifty Seven, and from thence to the End of the Then next Session of parliament, and no Longer.

And be it further Enacted by the Authority aforesaid, That an Act, Intituled, An Act for the more easy Recovery of Tythes, and other Ecclesiastical Dues of small Value, Made in the First Year of His present Majesty, and continued by several Acts of parliament, to the Twenty Fifth Day of March, which shall be in the Year, One thousand seven hundred and Forty, and from Thence, to the End of the Then next Session of parliament, be further continued and of Force for Four Years, from the said Twenty Fifth Day of March, which shall be in the Year, One thousand seven hundred and Forty, and from the Expiration of the said Four Years, to the End of the Then next Session of parliament, and no Longer.

AN

CHAP. V.

AN

ACT

TO

Continue *and* Amend

AN

ACT, Made in the Ninth Year of the Reign of His Preſent Majeſty, Intituled, *An Act for the better Regulating of Juries.*

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AN

ACT

TO

Continue and Amend An Act made in the Ninth Year of the Reign of His Present Majesty, Intituled, *An Act for the better Regulating of Juries.*

CHAP. V.

WHEREAS An Act Made in this Kingdom, in the Ninth Year of the Reign of His Present Majesty, Intituled, An Act for the better Regulating of Juries, hath by Experience been found Useful and Beneficial, and is now Expiring; Be it Enacted by the King's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by the Authority of the same, That the said Act and every Clause therein, Save as is hereinafter Mentioned, Shall be and is hereby

CHAP. V.

Continued to the Twenty Fifth Day of March, which shall be in the Year of Our Lord, One thousand seven hundred and forty four, and from thence to the End of the then next Session of Parliament, and no longer.

Provided nevertheless, and be it Enacted by the Authority aforesaid, That any Person or Persons, Returned on a Jury, who have had the View, may be Challenged for Just Cause; Any Thing in the said former Act, or in this Act to the Contrary in any wise notwithstanding.

Provided also, That no Clause in the said Act, shall Extend to Enable any Judge or Judges of Assize, to order a less Number than Thirty six, or a greater Number than Sixty, on any Venire, to be Returned by any Officer who hath the Return of Juries.

Provided also, And be it Declared and Enacted by the Authority aforesaid, That whensoever it shall happen, that a Jury for the Tryal of any Issue or Issues by Nisi Prius, shall not be Returned by the Sheriff or Sheriffs, but shall be Returned by the Coroner or Coroners, or other Officer or Officers Legally Appointed, that such Coroner or Coroners, Officer or Officers, shall Return the same Number of Jurors, and under the same Qualifications as the Sheriff by Law is Bound to do, and the Jurors so Returned shall be Balloted for in the same manner.

AN

CHAP. VI.

AN

ACT

TO

Explain, Amend, and Make more effectual An Act, Paſſed in the Seventh Year of the Reign of His late Majeſty, King *William* the Third of Glorious Memory, Intituled, *An Act for the better Securing the Government by Diſarming* Papiſts.



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AN

ACT

TO

Explain, Amend, and Make more effectual an Act, Paſſed in the Seventh Year of the Reign of His late Majeſty King *William* the Third of Glorious Memory, Intituled, *An Act for the better Securing the Government by Diſarming* Papiſts.

CHAP. VI.

WHEREAS by an Act, paſſed in the Seventh Year of the Reign of His late Majeſty, King William the Third of Glorious Memory, Intituled, An Act for the better Securing the Government by Diſarming *Papiſts*, It is, amongſt other Things Enacted, That all *Papiſts* within this Kingdom of *Ireland*, ſhould before the Firſt Day of *March*, then next enſuing, Diſcover and Deliver up to ſome Juſtice or Juſtices of the Peace, or to the Mayor, Bayliff, or Head Officer of the County, City,

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Town-Corporate or Place reſpectively, where ſuch *Papiſt* then dwelt and reſided, all their Arms, Armour and Ammunition, then in his or their Hands, or Poſſeſſion, or in the Hands of any other Perſon or Perſons in Truſt for them, or at their Diſpoſition, notwithſtanding any Licence or Permiſſion for Keeping the ſame, before Granted; **And that from and after the ſaid Firſt Day of** March, **One thouſand ſix hundred and ninety five, it ſhould and might be Lawful for any Two or more Juſtices of the Peace, within the Limits of their Juriſdictions and Authority, and for all Mayors, Sheriffs, and Chief Officers of Cities, and Towns-Corporate in their Liberties, by themſelves, or by Warrant or Warrants under their Hands and Seals reſpectively, from Time to Time to Search for, Seize, or Cauſe to be Searched for and Seized, and Take into his or their Cuſtody all ſuch Arms, Armour and Ammunition, as ſhould be Concealed in any Houſe, Lodging or other Place, where they ſhould Suſpect any ſuch Arms, Armour and Ammunition to be Concealed, and ſuch Arms, Armour and Ammunition, ſo Taken or Seized upon Search, and otherwiſe, ſhould, by the Perſon or Perſons ſo Receiving, Taking and Seizing the ſame, be Preſerved for the Uſe of His ſaid Majeſty, His Heirs and Succeſſors, and the ſaid Perſons ſhould Return a True and Particular Account thereof, to**

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the Lord Deputy, or other Chief Governor or Governors of this Kingdom, for the Time being, to the End the same might be Brought into his Majesty's Stores of War, to be Disposed of as he or they should Think fit.

Provided nevertheless, That no such Search or Searches, should be made in any such House, Houses or Lodgings, Save only, between the Rising and Setting of the Sun, other than in Cities and their Suburbs, Town-Corporate, Market Towns, and Houses of such Cities and Towns, if it should be thought to be necessary, and the Warrant or Warrants for that Purpose did so Direct and Appoint, and in Case such Justices of the Peace, Mayor, Sovereign, Bayliff, or other Chief Magistrate or Officer, of any City or Town-Corporate, after such Search made, should find Cause to Suspect, that any such Arms, Armour or Ammunition, remained Concealed and not Seized, they were thereby respectively Impowered and Required, to Cause such Person or Persons as they should Suspect to have Concealed the same, to be Brought before him or them, to be Examined upon his or their Corporal Oath, concerning the same.

And whereas there is good Reason to Suspect that several Persons Contrary to the True Intent and Meaning of the

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ſaid Law, have Arms, Armour and Ammunition, in their Cuſtody or Power, by means whereof, many Miſchiefs may happen if not Speedily Prevented; For Remedy whereof,

Be it Enacted by the King's Moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons in this preſent Parliament Aſſembled, and by the Authority of the ſame, That all Juſtices of the Peace, Mayors, Bayliffs, Magiſtrates and Chief Officers, of Cities and Towns-Corporate, within their reſpective Counties, Cities and Towns, ſhall and may for ever hereafter, Uſe and Exerciſe, all and every the Powers in the ſaid in Part Recited Act, in ſuch manner as is therein and thereby Directed, and that all Papiſts ſhall Diſcover and Deliver up, to ſome Juſtice or Juſtices of the Peace, or to the Mayor, Bayliff, Magiſtrate or Chief Officer, of the County, City, Town-Corporate, or Place where ſuch Papiſt or ſuch other Perſons as aforeſaid, ſhall reſpectively Dwell and Reſide, all Arms, Armour and Ammunition, of what kind ſoever the ſame be, which are in his, her or their Hands, Poſſeſſion, Cuſtody or Power, or in the Poſſeſſion or Cuſtody, of any Perſon or Perſons to his, her or their Uſe, or in Truſt for him, her or them, or at his, her or their Diſpoſition, notwithſtanding

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ing any Licence or Permiſſion, for Keep- CHAP.
ing and Having the ſame, heretofore Gran- VI.
ted; And that all ſuch Perſons as are by this preſent, or any other Law, Declared or are to be Deemed and Taken to be Papiſts to any purpoſe whatſoever, ſhall before the Firſt Day of July, which ſhall be in the Year of Our Lord, One thouſand ſeven hundred and forty, Deliver up in like manner, all ſuch Arms, Armour and Ammunition, as ſhall be in their Poſſeſſion, Power or Diſpoſal; And that all Papiſts and ſuch other Perſons as aforeſaid, ſhall for ever thereafter, within the Space of Fourteen Days after he, ſhe or they, ſhall knowingly get or have, any Arms, Armour or Ammunition, Diſcover and Deliver up, to ſome Juſtice or Juſtices of the Peace, or to the Mayor, Bayliff, Magiſtrate or Chief Officer, of the County, City, Town-Corporate, or Place reſpectively where ſuch Papiſt, or ſuch other Perſons as aforeſaid ſhall Dwell and Reſide, all his, her or their, Arms, Armour and Ammunition, that ſhall be in his, her or their Hands, Poſſeſſion, Cuſtody, or Power, or in the Hands, Poſſeſſion or Cuſtody of any Perſon or Perſons in Truſt for Him, Her or Them, or at His, Her or Their Diſpoſition, except ſuch Arms as the Chief Governor or Governors, and Privy Council of this Kingdom ſhall by Licence, Authorize and Licence any Papiſt to Have and Keep.

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And be it further Enacted by the Authority aforesaid, That every Papist and other Person as aforesaid, who shall at any Time hereafter, Have or Keep, Carry or Use any Arms, Armour, or Ammunition, not being Licenced, or who shall not Respectively Deliver up the Same, in Manner as aforesaid, and all and every Person or Persons, who Wittingly, Willingly or Knowingly, shall have any Arms, Armour or Ammunition, to the Use of, or in Trust for any Papist, or for any such other Person as aforesaid, and all and every Person or Persons, who upon Demand or Search Made for Arms, Armour, and Ammunition, according to the Direction in this, or the said former Act, shall Conceal, Refuse, or Neglect to Discover, and Give up to the Person or Persons Authorized and Impowered by the said former Act, to Search for, Seize and Demand the Same, all such Arms, Armour and Ammunition, as He, She, or They, or any Person or Persons in Trust for Him, Her, or Them, shall Have, or shall Oppose, Resist, Lett, Hinder, or in any Wise, Disturb any Person or Persons so Impowered, to Search for, and Seize the Same, and all and every Person and Persons, who shall Refuse to be Examined upon His, Her, or Their Corporal Oath, when thereto required, by any Two Justices of the Peace, or by the Mayor, Bay-

Bayliff, Magiſtrate, or Chief Officer of any County, City or Town-Corporate, which Oath all and every ſuch Juſtices of the Peace, and every ſuch Mayor, Magiſtrate, or Chief Officer, are hereby Reſpectively Authorized and Required to Adminiſter, concerning the Diſcovery and Delivery of ſuch Arms, Armour and Ammunition, and all and every Perſon and Perſons, who being Summoned in Writing, Signed by any Two Juſtices of the Peace, or by the Mayor, Bayliff, Magiſtrate or Chief Officer, of any County, City or Town-Corporate, where the Perſon ſo Summoned ſhall then Dwell and Reſide, whereof Notice in Writing ſhall be given to Him, Her or Them, or left at His, Her, or Their uſual Place of Abode, ſhall, without Reaſonable Cauſe, Refuſe or Neglect to Appear before ſuch Juſtices of the Peace, or ſuch Mayor, Bayliff, Magiſtrate, or Chief Officer, to be Examined as aforeſaid; Every ſuch Perſon ſo Offending, in All, or Any of the Matters aforeſaid, ſhall Forfeit in Manner following (That is to Say) if ſuch Perſon be a Peer or Peereſs of this Realm, He or She being Thereof lawfully Convicted at the Aſſizes, or at the Quarter-Seſſions of the County of Dublin, or County of the City of Dublin, where the ſaid Offences ſhall be Committed, for the firſt Offence, ſhall Forfeit the Sum of Three Hundred Pounds Sterling; And that

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all and every Perſon and Perſons under the Degree of a Peer or Peereſs, ſo Offending, ſhall for the firſt Offence, being thereof Convicted in Manner aforeſaid, Forfeit the Sum of Fifty Pounds, and ſhall ſuffer Impriſonment by Order of the ſaid Juſtices reſpectively, without Bail or Mainprize, for One Year, and from thence forward, until He or She ſhall have paid the ſaid Reſpective Fines, Penalties and Forfeitures; And every Perſon ſo Convicted, who ſhall Offend a Second Time in the Premiſſes, being thereof Convicted in Manner aforeſaid, ſhall Incur and Suffer all the Penalties and Forfeitures of a Perſon Attainted in a Premunire; And the ſaid Reſpective Sums of Three Hundred Pounds, and Fifty Pounds ſo Forfeited, ſhall go one Moyety thereof to His Majeſty, His Heirs and Succeſſors, and the other Moyety to, and amongſt ſuch Perſon or Perſons Proſecuting to Conviction ſuch Offender, according to the Direction of the Juſtices, before whom any ſuch Offender ſhall be Convicted.

Provided allways, And be it Enacted by the Authority aforeſaid, That Nothing herein Contained, ſhall Extend to Subject any Papiſt, or ſuch other Perſon as aforeſaid, to any Penalty or Forfeiture for Concealing Arms, Armour or Ammunition, who ſhall voluntarily before any Information Given, Diſcover and Deliver

Deliver up all his or her Arms, Armour or Ammunition, to some Justice of the Peace or Chief Magistrate; Any Thing herein, or in the said former Act Contained to the Contrary, in any wise notwithstanding. CHAP. VI.

Provided also, That this Act, or any Thing herein Contained, shall not Extend, or be Construed to Extend, to Hinder or Restrain any Nobleman or Gentleman from Keeping or Using a Sword, and a Case of Pistols, and a Gun, for the Defence of his House, or for Fowling, so as such Nobleman or Gentleman did, before the First Day of March, which was in the Year of our Lord, One thousand six hundred and ninety five, Make Proof to the Satisfaction of the then Lord Deputy, or other Chief Governor or Governors, and the Privy Council of this Kingdom of Ireland, That he upon the Third Day of October, which was in the Year of Our Lord, One thousand six hundred ninety and one, was an Inhabitant or Resident of Limerick, or some other Garrison, then in the Possession of the Irish, or was then some Officer or Soldier then in Arms, under a Commission of the late King James the Second, or those Authorized under him, to Grant the same in the Counties of Limerick, Clare, Kerry, Cork, or Mayo, or under their Protection in the said Counties, or was then

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a Commissioned Officer in His said late Majesty, King William the Third's Quarters, belonging to the Irish Regiments then in being, which were Treated with, not being then a Prisoner of War, nor having before that Time Taken Protection; And that before the Making the said Act, of the Seventh Year of the Reign of His late Majesty King William the Third, he did Return and Submit to His said late Majesty's Obedience, and hath also Proved as aforesaid, that he was upon the said Third Day of October within this Kingdom, and so as such Nobleman or Gentleman hath not at any Time, since the said Third Day of October, upon Tender to him, Refused to Take the Oath of Allegiance Required to be Taken, by an Act of Parliament in England, Made in the First Year of the Reign of their late Majesties, King William and Queen Mary of blessed Memory, and shall Take the Oath of Allegiance to His Present Majesty, when he shall be thereunto Required, or hath Proved as aforesaid, that he was upon the One and Twentieth Day of July, which was in the Year of Our Lord, One thousand six hundred and ninety one, a Gentleman of Estate, then belonging to the Town and Garrison of Galway, but that such Nobleman or Gentleman respectively having so Made Proof, and being Qualified as aforesaid, may Keep and Make Use of a Sword.

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a Case of Pistols and a Gun, for the Defence of his House or for Fowling, in such Manner as he might have Done, in Case this Act had never been Made; Any Thing herein Contained to the Contrary thereof, in any wise notwithstanding. CHAP. VI.

Provided also, That no Person shall be Convicted, or Incur any Penalty upon this Act, for any Offence Committed contrary thereto, upon any Confession or Discovery he or she shall make, being Examined upon Oath, nor shall any such Examination be given in Evidence against the Persons so Examined, unless such Person shall be Indicted for having Committed wilful Perjury in such Examination; Any thing herein Contained to the Contrary notwithstanding.

And be it further Enacted by the Authority aforesaid, That when and as often as any Person shall be Prosecuted for any the Offences aforesaid, the Justices before whom such Prosecution shall be then Depending, shall, and are hereby Required and Impowered, to Tender to every such Person so Prosecuted, the Oath of Abjuration, and the Oaths and Declaration, in the said in part Recited Act Contained and set forth; And if any such Person to whom such Tender shall be made, do refuse to Take the said Oaths, and Re-

CHAP. VI.

peat the ſaid Declaration, ſuch Refuſal ſhall Amount to full Proof, that ſuch Perſon is a Papiſt, and was ſo at the time of the Offence Committed.

Provided allways nevertheleſs, That tho' the Perſon to whom ſuch Tender ſhall be made, ſhall take the ſaid Oaths, and Repeat the ſaid Declaration, and Subſcribe the ſame, yet it ſhall and may be Lawful, to and for the Perſon or Perſons, who ſhall Proſecute, to give Evidence that the Perſon Proſecuted at the Time of the Offence Committed, was a Papiſt, or other ſuch Perſon as aforeſaid.

Provided, nevertheleſs, That if any of the People called Quakers, ſhall be Charged with any of the Offences aforeſaid, upon Proof that ſuch Perſon is, and hath been One of the People Called Quakers, by producing and Proving a Certificate, under the Hands and Seals of Six or more Credible Men of His or Her Congregation, Owning Him or Her to be One of Them, and Two of the Subſcribers appearing before any Juſtices before whom ſuch Quaker ſhall be Tried, ſuch Juſtices before whom ſuch Quaker ſhall be Tried, ſhall not Tender to ſuch Quaker the ſaid Oaths and Declaration, Any Thing herein contained to the Contrary, notwithſtanding, but in the Room thereof, ſhall Tender to ſuch Quaker the Declara-

Declarations provided for Quakers, by an Act made in the Eighth Year of the Reign of her late Majesty Queen Anne, Intituled, An Act for Explaining and Amending *An Act to Prevent the further Growth of Popery.* CHAP. VI.

And be it Enacted by the Authority aforesaid, That the Sheriff and Sheriffs of every County, at every Assizes, Commission of Oyer and Terminer, and at every Quarter-Sessions in the County of Dublin, and County of the City of Dublin, shall Return in Calendar to the Justices of Assize, Commissioners of Oyer and Terminer, or Justices of the Peace in the County of Dublin, and County of the City of Dublin, all Persons who have been Convicted, in pursuance of this Act, who have not Paid the Fine Imposed; On pain of Forfeiting for every such Omission, the Sum of Ten Pounds, to be Recovered in a Summary Way, by Civil Bill to the Use of the Informer; And for the better Encouraging Persons to Discover and Convict Offenders against this Act,

Be it further Enacted by the Authority aforesaid, That as often as any Person so Convicted, shall not Pay the Fine Imposed pursuant to this Act, within One Calendar Month, after his or her Years Imprisonment shall be expired, whereby

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the Perſons Diſcovering and Convicting ſuch Offender or Offenders, may Role the Reward hereby Intended for him or them, Then and in ſuch Caſe, the Perſon or Perſons ſo Diſcovering and Convicting ſuch Offender or Offenders, ſhall have and Receive the Sum of Ten Pounds, for every Offender ſo Convicted as aforeſaid, to be given or Diſtributed, to and Amongſt ſuch Perſon or Perſons proſecuting to Conviction ſuch Offender, according to the Diſcretion of the Juſtices before whom ſuch Offender ſhall be Convicted, which ſaid Sum of Ten Pounds, the Grand-Jury, who ſhall preſent ſuch Offender to be Miſdemeanr as aforeſaid, ſhall Preſent to be Levyed on the Popiſh Inhabitants of the County, County of the City, or County of the Town, wherein ſuch Offender ſhall be Convicted, and the ſame ſhall be Raiſed and paid to the Perſon or Perſons hereby Intitled to the ſaid Sum of Ten Pounds, by ſuch Ways and Means, and in ſuch Manner as Money is Uſually Levyed and Raiſed, upon the County, to and for the Reimburſing Perſons Robbed of Money or Goods, by Tories, Robbers or Rapparees.

And be it further Enacted by the Authority aforeſaid, That the Juſtices of the Peace, for the ſaid Counties, and Counties of Cities, and Counties of Towns re-

respectively, shall once in every Year, at the Mid-Summer-Quarter-Sessions, Yearly, issue their Warrants signed by the Justices who hold the said Sessions, and under the Seal of the Chairman of every such Sessions, therein requiring, Commanding and Authorizing, all High and Petty Constables, within their respective Baronies, Parishes and Divisions, and any Two other Persons in each Barony, whom they shall think fit to appoint, to Search, according to the Direction in the said former Act, for Arms, Armour and Ammunition, in the Possession, Keeping, Power, or Custody of all Papists, or other such persons as aforesaid, within their respective Counties, Cities and Towns; And the Chief Magistrate of every City and Town-Corporate, not being a County of a City, or County of a Town, or his Deputy, shall once in a Year issue his Warrant to the Constables of such City or Town, to Search in Manner aforesaid, and the Chief Magistrate or his Deputy, neglecting to Issue such Warrant in Manner aforesaid, shall, for every such Neglect, Forfeit the Sum of Ten Pounds; And every High Constable as aforesaid Neglecting or Refusing to Execute such Warrant, shall Forfeit the Sum of Five Pounds, and every Petty Constable Neglecting or Refusing to Execute such Warrant, shall Forfeit the Sum of Twenty Shillings; All which said re-

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ſpective Penalties and Forfeitures, ſhall, and may be Sued for, by Civil Bill, at the Aſſizes for the reſpective Counties, or at the Quarter-Seſſions where there are not any Aſſizes held for the ſaid Counties or Cities, where ſuch Chief Magiſtrates, High and Petty Conſtables as aforeſaid reſpectively Dwell and Reſide, by any Perſon who ſhall Sue for the ſame: And the Juſtices of ſuch Quarter-Seſſions are hereby Impowered to Hear and Determine upon all Civil Bills brought for Recovery of any of the Penalties by this Act Inflicted; And ſuch Proceſs, Decree and Execution, ſhall Iſſue as is uſual in Civil Bills; Which ſaid reſpective Penalties ſo Recovered, together with Coſts of Suit, ſhall be to the Uſe of the Perſon ſo Suing in Manner aforeſaid.

And be it further Enacted by the Authority aforeſaid, That if any Juſtice ſhall, after due Information upon Oath ſhall have been made before him, of any Arms, Armour and Ammunition, being Concealed by, or in the Cuſtody or Poſſeſſion of any Papiſt, or other ſuch Perſon as aforeſaid, Refuſe or Neglect to Search, or to cauſe Search to be Made for ſuch Arms, Armour and Ammunition, within a reaſonable Time, after ſuch Information ſhall have been ſo Made, every ſuch Juſtice ſo Refuſing or Neglecting, ſhall for every ſuch Refuſal or Neglect,

Forfeit

forfeit the Sum of Twenty Pounds, to be Recovered by Civil Suit, in Manner aforesaid. CHAP. VI.

Provided allways, That nothing herein contained shall Extend, or be construed to Extend, to Abridge, Restrain or Lessen the Power of any Two Justices of the Peace, within the Limits of their Jurisdiction and Authority, or of the Mayors, Sheriffs, and Chief Officers of Cities and Towns-Corporate in their respective Liberties by themselves, or by Warrant or Warrants under their Hands and Seals respectively, from Time to Time, whenever they shall Judge it necessary, to Search for, Take and Seize, or cause to be Searched for, Taken and Seized, according to the Directions in this and the said Recited Act, all Arms, Armour and Ammunition of what Nature and Kind soever they be, which are or shall be in the Hands or Possession of any Papist or other such Person as aforesaid, or in the Hands of any other Person or Persons in Trust for them, or any of them, or at their Disposal, or that shall be Concealed in any House, Lodging or other Place, where they shall suspect any such Arms, Armour and Ammunition to be Concealed; Any Thing in this Act to the contrary notwithstanding.

And whereas Doubts have Arisen, whether Papists or Reputed Papists, may not-

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withstanding the said in part Recited Act herein before Mentioned, Keep or Have, in his or her Power or Custody, for Sale or otherwise, Warlike Stores, Sword-Blades, Barrels, Locks or Stocks of Guns, or Fire-Arms, and great Inconveniencies may follow if not prevented; For Remedy whereof,

Be it Enacted and Declared, by the Authority aforesaid, That no Papist or other such Person as aforesaid, shall, for Sale or otherwise, Keep or Have, for or upon any pretence whatsoever, any Warlike Stores, Sword-Blades, Barrels, Locks or Stocks of Guns, or Fire-Arms, and every Papist or other such Person as aforesaid, so Offending, being thereof Convicted by Indictment before the Justices of Assize, for the County where such Offence shall be Committed, or before the Commissioners of Oyer and Terminer, or by Indictment before the Justices of the Peace, at the Quarter-Sessions for the County of Dublin, or the County of the City of Dublin respectively, if the Offence shall be there Committed, shall Forfeit the Sum of Twenty Pounds Sterling, and the Offender so Convicted, shall Suffer Imprisonment for the Space of One Year, and until he or she shall have Paid the said Forfeiture; And the said Sum so Forfeited, may be Sued for, and Recovered by Civil Bill, at the Assizes for the County where

where such Offender shall be Convicted, or at the Sessions of the Peace for the County of Dublin, or County of the City of Dublin, if the Offender shall be there Convicted, by any Person who shall Sue for the same; For Recovery whereof, such Process, Decree and Execution shall Issue, as is usual upon Civil Bills; And the Money when so Recovered, shall go together, with Costs to the Use of the Person who shall Sue for the same. CHAP. VI.

And whereas many Papists, in Order to have the Use and Benefit of Arms, often keep Protestant Servants, who cannot be Punished for Carrying Arms, which is equally Dangerous to His Majesty, and His Protestant Subjects, as if such Papists actually Carried or Bore the said Arms;

Be it Enacted by the Authority aforesaid, That where any Protestant Servant, by and with, the Direction, Consent or Privity of his Master, (being a Papist, or other such Person as aforesaid) shall Carry or Keep any Arms in his Custody, such Master shall be Deemed and Taken, as if he actually Bore, Carried or Kept such Arms, and shall suffer the Penalties by this Act Inflicted on Papists, or other such Person as aforesaid, who shall Carry Arms as aforesaid, and such Servant shall be subject to the Penalties Inflicted by this Act, in the same manner as if he was a Papist.

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And be it Enacted by the Authority aforesaid, That all Suits and Prosecutions for any Offence against this Act, shall be Commenced within One Year after the Offence Committed, and if such Suit or Prosecution shall be Commenced after the End of the said Year, then the same shall be Void and of none Effect; Any Thing herein contained to the contrary notwithstanding.

And be it further Enacted by the Authority aforesaid, That every Person or Persons professing the Protestant Religion, who shall, from and after the First Day of July, which shall be in the Year of Our Lord One thousand seven hundred and Forty, Educate or Suffer to be Educated, any of his or their Children, either Son or Sons, Daughter or Daughters, under the Age of Fourteen Years, in the Popish Religion, shall be deemed a Papist, to all Intents, Constructions, and Purposes of this Act.

Provided allways, That nothing in this Act shall Extend, or be Construed to Extend to Hugh Earl of Mount-Alexander, notwithstanding his having Married a Popish Wife out of the Kingdom in the Year One thousand seven hundred and three, he having been allways a Protestant, and having allways since become

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ing Zeal for the Succession in His Majesty's Royal House; But the said Earl may have and keep Arms, Armour and Ammunition, this Act or any other Act to the contrary in any wise notwithstanding. CHAP. VI.

Provided also, That nothing herein contained, shall Extend to the Disarming of Sir Walter Blake Baronet; But that he and Two of his Servants may carry Arms, Viz. For himself a Sword, a Gun, and a Case of Pistols; And for his Two Servants, being Protestants, a Case of Pistols, and Fuzee each, he having been entrusted with a Command in the Army, by His Majesty King William the Third, of Glorious Memory, Which Trust he faithfully Discharged; And having taken the Oaths of Allegiance and Abjuration, and having ever since behaved himself as a Dutiful Subject.

And be it further Enacted and Declared by the Authority aforesaid, That the said Act Passed in the Seventh Year of the Reign of His late Majesty, King William the Third, of Glorious Memory, Intituled, An Act for the better Securing the Government, by Disarming *Papists*; And every Clause therein, so far as the same is not Altered by this, or some other Act, shall for ever hereafter be Deemed and Taken to be a Perpetual Law, and that the

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same was so Meant and Intended at the Making thereof; And that all and every Justice and Justices of Allize, and Oyer and Terminer, shall Give this and the said former Act in Charge, as often as any of them shall Give a Charge to any Grand-Jury.

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CHAP. VII.

AN

ACT

FOR

Allowing further Time to Perſons in Offices or Employments to Qualify themſelves, Purſuant to an Act, Intituled, *An Act to Prevent the further Growth of Popery.*

G. II. R.

DUBLIN:

Printed by GEORGE GRIERSON, Printer to the King's Moſt Excellent Majeſty, at the *King's-Arms* and *Two Bibles* in *Eſſex-Street*, MDCCXL.



AN

ACT

FOR

Allowing Further Time to Perſons in Offices or Employments to Qualify themſelves, Purſuant to An Act, Intituled, *An Act to Prevent the further Growth of Popery.*

CHAP. VII.

WHEREAS ſeveral Perſons well Affected to His Majeſty's Government, and the Church of Ireland as by Law Eſtabliſhed, may have through Ignorance Neglected, or have been Prevented by Sickneſs or other Accidental Cauſes, to Take and Subſcribe the Oaths, and to Make and Subſcribe the Declaration, and to Receive the Sacrament of the Lords Supper, According to the Directions of an Act Made in this Kingdom, in the Second Year of the Reign of Her

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late Majesty Queen Anne [Intituled, An Act to Prevent the further Growth of *Popery*] and by their Inadvertency may have Incurred great Penalties and Forfeitures;

Be it Enacted by the King's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this Present Parliament Assembled, and by the Authority of the same, That all and every Person or Persons, who have Incurred any Penalties, and Incapacities, in the said Act, Intituled, An Act to Prevent the further Growth of *Popery*, mentioned, by Neglecting to Qualifie themselves According to the said Act, shall be, and are hereby Indemnified, Freed, and Discharged of and from all Incapacities, Disabilities, Forfeitures, and Penalties Incurred by Reason of such Omission or Neglect as aforesaid, and that no Act, or Acts done by them or any of them, or by Authority Derived from them or any of them, and not yet Avoided, shall be Questioned or Avoided by Reason of such Neglect or Omission, but all such Acts shall be and are hereby Declared and Enacted to be as good and Effectual as if all and every such Person and Persons had Taken and Subscribed the said Oaths, and Received the said Sacrament, and made and Subscribed the said Declaration, in Manner as aforesaid, any thing in the said Act to the Contrary notwithstanding; Nevertheless

theleſs, ſo as ſuch perſon or perſons do and ſhall Take and Subſcribe the ſaid Oaths, and Receive the ſaid Sacrament, and Make, Repeat and Subſcribe the ſaid Declaration, in ſuch Manner and Form, and in ſuch Place and Places, as are Directed and Appointed by the ſaid Act, To Prevent the further Growth of *Popery*, on or before the Firſt Day of Auguſt, which ſhall be in the Year of Our Lord, One thouſand ſeven hundred and forty. CHAP. VII.

Provided, That this Act, or any Thing therein Contained, ſhall not Extend to Reſtore or Intitle any Perſon or Perſons, to any Office or Employment, already Actually Avoided by Judgment of any of His Majeſty's Courts of Record, or already Filled up by any other Perſon; But that ſuch Office or Employment, ſhall be and Remain in the Perſon or Perſons, who is or are now Intitled by Law to the Same, as if this Act had never been Made.

CHAP. VIII.

AN

ACT

FOR

The more Effectual Preventing of Exceſſive and Deceitful Gaming.

G. II. R.



DUBLIN:

Printed by GEORGE GRIERSON, Printer to the King's Moſt Excellent Majeſty, at the *King's Arms* and *Two Bibles* in *Eſſex-Street*, MDCCXL.

ACT

FOR

The more Effectual Preventing of
Deceitful and Deceptful Gaming.



AN

ACT

FOR

The more Effectual Preventing of Exceſſive and Deceitful Gaming.

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WHEREAS in, and by an Act of Parliament, paſſed in this Kingdom, in the Tenth Year of the Reign of His late Majeſty King William the Third, of Glorious Memory, Intituled, An Act againſt Deceitful, Diſorderly and Exceſſive Gaming, after Reciting the many Miſchiefs and Inconveniencies that Ariſe, and are daily Found, to the Maintaining and Encouraging of Sundry Idle, Looſe, and Diſorderly Perſons, in their Diſhoneſt, Lewd, and Diſolute Courſe of Life, and to the Circumventing, Deceiving, Couzening, and Debauching, of

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many of the Younger Sort, both of the Nobility, and Gentry, and Others, to the Loss of their Time, and the utter Ruin of their Estates and Fortunes, and withdrawing them from Noble and Laudable Imployments and Exercises: It is Enacted, That if any Person or Persons, of any Degree or Quality whatsoever, at any Time or Times after the Twenty Fifth Day of December, which shall be in the Year of Our Lord God, One thousand six hundred ninety eight, do or shall, by any Fraud, Shift, Cozenage, Circumvention, Deceit, or Unlawful Device, or Ill Practice Whatsoever, in playing at or with Cards, Dice, Tables, Tennis, Bowls, Kittles, Shovel-Board, or in, or by Cock-Fighting, Horse-Races, Dog-Matches or Foot-Races, or other Pastimes, Game or Games whatsoever, or in, or by Betting on the Sides or Hands of such as do or shall play at, Ride or Run as aforesaid, Win, Obtain or Acquire to him or themselves, or to any other or others, any Sum or Sums of Money, or other valuable Thing or Things whatsoever, such Person or Persons are Made Liable to, and Laid under such Penalties, as in the said Act are Mentioned and Set forth; Which said Statute is Enforced by an Act of Parliament, Made in the Sixth Year of the Reign of Her late Majesty Queen Anne, Intituled, An Act for Suppressing Lotteries and Gaming Tables, wherein

wherein it Recites, that the said Law has not had the intended Good Effect, and Several Evil Disposed Persons for Divers Years last past, have Set up many Mischievous and Unlawful Games, Called Lotteries, and have thereby most unjustly and Fraudulently got to themselves, great Sums of Money from the Children and Servants of Several Gentlemen, Merchants and Traders, and from other Unwary Persons; And likewise other Evil Disposed Persons Do Keep Publick and Open Gaming-Tables, where Young Gentlemen, and other Unwary Persons, Play at Dice and Cards for great Sums of Money, to the Corruption of Youth, the utter Ruin and Impoverishment of many Families, and to the Reproach of the Laws and Government of this Realm, and Declares and Enacts, That all Publick Lotteries and Gaming-Tables, and all other Lotteries and Gaming-Tables, that shall be Kept in any Publick Houses in any City, Town-Corporate, or Place within this Kingdom (other than the Groom-Porters-Table, to be Kept within the Walls of Her Majesty's Castle of Dublin, or other House in which the Chief Governor or Governors shall actually Reside therein, and no longer) are and shall be Deemed, Taken and Adjudged to be Common and Publick Nulances, and that all Grants, Patents and Licences for such Lotteries

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and Gaming-Tables, are Void and Against Law, and shall be so Deemed, Taken and Adjudged: And it is thereby further Enacted, That from and after the First Day of November, which shall be in the Year of Our Lord God, One thousand seven hundred and seven, no Person or Persons whatsoever, shall publickly Exercise, Keep open, Shew, or Expose to be played at, Drawn at, or Thrown at, or shall publickly Draw, Play, or Throw at any Lottery or Game of Fortune, either by, or with Dice, Lots, Cards, Balls or any other Numbers or Figures whatsoever; And that no Person or Persons whatsoever shall publickly Exercise, Keep open, Shew, or Expose any Gaming-Table or Tables, Device or Place, where any Person or Persons shall play at Dice or Cards for Money or Goods, or shall Bett or Lay any Wager or Wagers, on the Sides or Hands of such, who play only for Sport or Pastime; And that if any Person or Persons shall, after the said First Day of November, Exercise, Expose, Open or Shew, to be played, Throw or Draw at, any Lottery, Play or Device, or shall publickly Exercise, Keep open, Shew, or Expose any Gaming-Table or Tables, Device or Place, where any Person or Persons shall play at Dice or Cards, for Money or Goods, or shall Bett or Lay any Wager or Wagers, on the Sides or Hands of such

such, who play for any Money or Wager, or only for Sport or Pastime, every such Person or Persons are made Liable to, and are Laid under such Penalties, as in the said Act are Mentioned and Set forth: Which said Statutes are Enforced by an Act of Parliament, Made in the Eleventh Year of the Reign of her Late Majesty Queen Anne, Intituled, An Act for the better Preventing of Excessive and Deceitful Gaming, and also by one other Act, Made in the said Eleventh Year of the Reign of her said Late Majesty, Intituled, An Act for Suppressing Lotteries; And it being Found by Experience, That the said Good and Wholesome Laws, have not effectually Answered the Good Ends, Intents and Purposes, in and by the said Acts Designed; But that Contrary to the true Intent and Meaning of the said Recited Acts, Several Deceitful Games are daily Carried on, by Reason of the great Difficulties which have Arisen, upon the Method of Conviction of the Offenders, against the said Acts of Parliament; For Remedy whereof, and for Explaining and Making more Effectual the said Acts of Parliament, CHAP. VIII.

Be it Enacted by the King's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by the Autho-

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tity of the same, That if any Person or Persons, shall, after the First Day of May, One thousand seven hundred and forty, Erect, Set up, Continue or Keep, any Office or Place, under the Denomination of a Sale or Sales of Houses, Land, Advowsons, Presentations to Livings, Plate, Jewels, Ships, Goods or other things by way of Lottery, or by Lotts, Tickets, Numbers or Figures, Cards or Dice, or any other Device whatsoever, Determining Chance or Chances, or shall Make, Print, Advertise or Publish, or Cause to be Made, Advertized or Published, Proposals or Schemes for Advancing small Sums of Money by several Persons, Amounting in the whole to Large Sums, to be Divided among them by Chances of the Prizes, either in some publick Lottery or Lotteries, Established or Allowed by Act of Parliament, in His Majesty's Kingdom of Great-Britain, or Ireland, or in any Foreign Lottery, or shall Deliver out, or Cause or Procure to be Delivered out, Tickets to the Persons Advancing such Sums, to Intitle them to a Share of the Money so Advanced, according to such Proposals or Schemes, or shall expose to Sale any Houses, Lands, Advowsons, Presentations to Livings, Plate, Jewels, Ships or other Goods, by any Game, Method or Device whatsoever, Depending upon, or to be Determined by any Lott or Drawing, whether it be out of

of a Box or Wheel, or by Cards or Dice, or by any Machine, Engine or Device of Chance of any kind whatsoever, such Person or Persons, and every and either of them, shall, upon being Convicted thereof, before any one Justice of the Peace for any County, or before the Mayor, or other Chief Magistrate, or other Justice or Justices of the Peace, for any City or Town-Corporate, upon the Oath or Oaths of One or more Credible Witness or Witnesses (which said Oaths the said Justices of the Peace and Mayor, or other Chief Magistrate, are hereby Authorized, Impowered and Required to Administer) or upon the View of such Justice or Justices, or the Mayor or other Chief Magistrate, Justice or Justices for any City or Town-Corporate, or on the Confession of the Party or Parties Accused, shall Forfeit and Lose the Sum of One Hundred Pounds, to be Levied by Distress and Sale of the Offenders Goods, by Warrant under the Hands and Seals of One or more Justice or Justices of the Peace, of such County, City or Town, where the Offence shall be Committed; Which said Forfeitures, when Recovered, after deducting the Reasonable Charges of such Prosecution, shall go and be Applied, One Third to the Informer, and the remaining Two Thirds to the Incorporated Society, for Promoting English Protestant Schools in this Kingdom, for the

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ale of such of the said Charter-Schools, as they shall think fit to Apply the same unto.

And be it further Declared and Enacted by the Authority aforesaid, That all Games and Lotteries, to be Determined by the Chance of Cards and Dice under the Denomination of the Games of the Art of Hearts, Pharaoh, Basset, Hazard or Passage, are, and are hereby Declared to be Games or Lotteries by Cards or Dice, within the Intent and Meaning of the said in part Recited Acts, and that all, and every Person or Persons who shall Set up, Maintain, or Keep the said Games of the Art of Hearts, Pharaoh, Basset, Hazard, or Passage, shall be Subject and Liable to all and every the Penalties and Forfeitures in and by this Act Inflicted upon any Person or Persons who shall Erect, Set up, Continue, or Keep any of the said Games or Lotteries in this present Act Mentioned, and shall be Prosecuted and Convicted, and the Penalties and Forfeitures shall be Sued for and Recovered, in the Manner as the said Penalties and Forfeitures are by this Act Directed to be Sued for and Recovered.

And be it further Enacted by the Authority aforesaid, That all, and every Person and Persons who shall be Adventurers in any of the said Games, Lottery or Lotteries, Sale or Sales, or shall Play, Set

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at Stake or Wager at either of the said Games of the Ace of Hearts, Pharaoh, Basset, Hazard and Passage, or shall Act Contrary to the Intent and Meaning of the said in part Recited Acts, or this Present Act, and shall be thereof Convicted in such Manner and Form as in and by this Act is Prescribed, every such Person or Persons shall forfeit and Lose the Sum of Thirty Pounds, to be Sued for, Recovered and Applied as aforesaid. CHAP. VIII.

And be it further Enacted by the Authority aforesaid, That all and every such Sale or Sales of Houses, Lands, Advowsons, Presentations to Livings, Plate, Jewels, Ships, Goods or other Things by any Game, Lottery or Lotteries, Machine, Engine, or other Device whatsoever depending upon, or to be Determined by Chance or Lot, shall, and are hereby Declared to be Void to all Intents and Purposes whatsoever, and all such Houses, Lands, Advowsons, Presentations to Livings, Plate, Jewels, Ships, Goods, or other Things Set up, and Exposed to Sale in Manner and Form aforesaid, shall be Forfeited to such Person or Persons who shall Sue for the same, by Action, Bill, Plaint, or Information, in any of his Majesty's Courts of Record, or at the Assizes for any County where the Offence shall be Committed, in which Action, Bill, Plaint, or Information no Essoign, Protection, or Wager of

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Law, or more than One Imparlance shall be Allowed.

Provided allways, and be it hereby Declared and Enacted by the Authority aforesaid, That if any Person or Persons shall think him, her or themselves aggrieved by the Judgment or Determination of any Justice or Justices of the Peace, or Mayor, or other Chief Magistrate as aforesaid, upon any Conviction of, or for any of the Offences in this Act, or the before in part Recited Acts, such Person or Persons may Appeal from the said Judgment of the said Justice or Justices, or Mayor or other Chief Magistrate, to the next General-Quarter-Sessions of the Peace for the said County, City or Place where such Person or Persons was or were Convicted, but the Person or Persons so Appealing shall, and he, she or they are hereby Directed to give Reasonable Notice to the Prosecutor or Prosecutors of such Person or Persons as shall so Appeal, of such his, her or their Intention of Bringing and Prosecuting such Appeal, and shall Enter into a Recognizance before some Justice or Justices of the Peace for the County, City, or Place wherein the Conviction was Made or Given, with two Sufficient Sureties, on Condition to Try such Appeal at the next Quarter-Session, which shall be Held in and for the County City or Place, wherein such Conviction or Judgment was Made or Given, next and im-

immediately after the bringing such Appeal, and every such Appeal and Appeals, shall, by the Court, at the said next General Quarter-Sessions, to which such Appeal and Appeals is or are made, be then Examined, and the Matter then finally heard and Determined, and not afterwards; And in Case such Judgment, Determination or Conviction as aforesaid, shall be then and there affirmed, the Party Appealing, shall pay unto the Prosecutor or Prosecutors, his, her, or their Treble-Costs; And such Prosecutor and Prosecutors, shall have such Remedy for the same, as any Defendant or Defendants hath or have for Costs of Suit, in any other Cases by Law. CHAP. VIII.

Provided allways, and be it further Enacted by the Authority aforesaid, That no such Conviction made, or Judgment given as aforesaid by this Act, shall be set aside by the said Court of Quarter-Session, for want of Form, in Case the Facts alledged in the said Conviction shall be proved, to the Satisfaction of the said Court; Nor shall such Conviction or Judgment be removed or removable by Certiorari, or any other Writ or Process whatsoever, into any of his Majesty's Courts of Record at Dublin, until such Order or other Proceedings shall have been first removed to, and Judgment and Determination Given and Made thereupon, by such Court of Quarter-Sessions as aforesaid.

CHAP. VIII.

Provided also, and be it further Enacted by the Authority aforesaid, That no Writ of Certiorari, or other Process, shall Issue or be Issuable to remove the Record of any such Conviction from the said Court of Quarter-Sessions, or to remove any Order or other Proceedings Taken or Made by the said Court of Quarter-Sessions, upon, touching or concerning such Conviction, into any of His Majesty's Courts of Record at Dublin, until the Party or Parties against whom such Conviction shall be made, before the Allowance of such Writ of Certiorari or other Process, shall find two sufficient Sureties to become bound to the Prosecutor in the Sum of One Hundred Pounds, with Condition to Prosecute the same with Effect, within Six Calendar Months, and to Pay unto the Prosecutor or Prosecutors, his, her or their Treble Costs and Charges, in Case such Order or Conviction shall be affirmed.

And be it further Enacted and Declared by the Authority aforesaid, That if any Person or Persons, who shall be Convicted of Erecting, setting Up, Maintaining or Keeping any of the said Lotteries, or the said Games herein before set forth, or therein, or in either of them, shall Adventure, and shall not have sufficient Goods and Chattels whereon to Levy the Penalties inflicted

inflicted by this Act, or shall not immediately pay the said Penalties, or give Security for the same; It shall and may be lawful for the said Justice or Justices before whom such Person shall be Convicted, as aforesaid, to commit such Person or Persons to the Common-Goal of the County, City or Place where such Offence shall be committed, there to continue and remain for any Time not exceeding Six Months. CHAP. VIII.

And be it also Enacted by the Authority aforesaid, That if any Justice of the Peace, or any other Justice herein before described, or Mayor or other Chief Magistrate of any City or Town-Corporate, shall Neglect or Refuse to do what is Required of him and them by this Act, such Justices and Mayors and other Chief Magistrates so Neglecting or Refusing, shall respectively Forfeit and Pay the Sum of Ten Pounds for each Offence, One Moiety whereof to be paid to any Person or Persons who shall Sue for the same, and the other Moiety thereof to the Incorporated Society for promoting English Protestant Schools in this Kingdom, for the Use of such of the said Charter Schools, as they shall think fit to apply the same unto, and shall be Recovered with full Costs of Suit, by Action, Bill, Plaint or Information, in any of His Majesty's Courts of Record, or at the Assizes for any County,

CHAP. VIII.

or County of a City, in which Action, Bill, Plaint or Information, no Eſſoign, Protection or Wager of Law, nor more than one Imparlance ſhall be allowed, ſuch Proſecution being Commenced within Six Months next, after ſuch Refuſal of ſuch Juſtices or Mayor, or other Chief Magiſtrate.

Provided alwayes, And be it hereby Enacted and Declared by the Authority aforeſaid, That nothing in this Act, or in any former Acts againſt Gaming contained, ſhall Extend to prevent or hinder any Perſon or Perſons, from Gaming or playing at any of the Games in this or in any of the ſaid former Acts mentioned, within the Precincts of his Majeſty's Caſtle of Dublin, or other Houſe in which the Chief Governor or Governors of this Kingdom, for the time being, ſhall Reſide, during the time ſuch Chief Governor or Governors ſhall actually Reſide therein, and no longer.

Provided alſo, And be it further Enacted and Declared by the Authority aforeſaid, That nothing herein contained ſhall Extend or be any ways Conſtrued, Deemed or Taken to Extend, or in any Sort to Affect or Prejudice, any Eſtate or Intereſt in, out of, or to, any Manors, Honours, Royalties, Lands, Tenements, Advowſons, Preſentations, Rents, Services and Hereditа-

Hereditaments whatsoever, which shall or may, at any Time or Times hereafter, be, according to the Laws now in Being, Legally Allotted to, or Held by, or by Means of any Allottment or Partition by Lotts, but that all Persons that now are, or that hereafter shall become, Really and Truly Seized, as Part Owners, Joint-Tenants, and Tenants in Common, of any Mannors, Honours, Royalties, Lands, Tenements, Advowsons, Presentations, Rents, Services and Hereditaments, shall, and he, she and they, and his, her and their, Heirs and Assigns, is, and are hereby made and Continued Capable to Accept and Take, such Estates and Interest, and Parts therein, in such and the like manner, and to such and the like Uses, as he, she or they, might, would, or could have done, by or by Virtue, or in Consequence of any Lott, Scroll, Chance or Allotment whatsoever, had this present Act never been made; Any thing herein contained to the contrary thereof notwithstanding. CHAP. VIII.

And whereas Horse-Races are found greatly to Promote and Encourage Idleness and Debauchery, among the Farmers, Artificers and Day-Labourers of this Kingdom, to the great Detriment and frequent Ruin of their Families.

Be it Enacted by the Authority aforesaid, That any Person or Persons who Run

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or shall Cause to be Run any Horse, Mare, or Gelding for any Wager, Sum or Sums of Money, or any Prize, Plate, or other Goods or Chattels whatsoever Less or of Less Value than Twenty Pounds, shall, for every such Offence, Forfeit such Horse, Mare or Gelding, and also, the further Sum of Twenty Pounds, and every Person who shall Knowingly or Wilfully be Present at such Race, or Horse-Course shall Forfeit the Sum of Five Shillings, all which Forfeitures and Penalties shall be Recovered before any Justice or Justices of the Peace, or Chief Magistrate within their respective Jurisdictions, who, upon Confession of the Parties, or due Proof upon the Oath of One or more Credible Witness or Witnesses, (which Oath the said Justice or Justices are hereby Impowered and Required to Administer) may Hear and Determine the Same, and by Warrant under his, or their Hand and Seal Directed to a Constable, Seize such Horses, Mares, or Geldings so Forfeited, and Levy such Sum or Sums of Money adjudged against any such Person or Persons, by Distress and Sale of his or their Goods, rendering the Overplus (if any there be) to the respective Owner or Owners, and if in Six Days after Issuing such Warrant, such Horse, Mare, or Gelding cannot be found and seized by such Constable as aforesaid, then and in such Case such Justice or Justices of the Peace or Chief Magistrate, shall, upon Examination

tion of one or more Witness or Witnesses, Ascertain the Value of such Horse, Mare, or Gelding, and by his Warrant Levy such Value by Distress and Sale of the Offenders Goods in Manner as aforesaid; And in Case such penalties so Forfeited and Adjudged are not Paid, or the Offender hath not sufficient Goods on which the same can be so Levied, then and in such Case he or they shall be put in the Stocks for the Space of Three Hours; And that such Running-Horses, Mares or Geldings may be effectually Secured, all High and Petty Constables are hereby Required to Seize all such Horses, Mares, or Geldings so soon as may be after such Races, and Carry them before the next Justice of the Peace or Chief Magistrate to the Intent that the Offenders may be proceeded against in Manner aforesaid; Provided that where such penalty or Forfeiture exceeds the Sum of Ten Pounds, and any Person thinks him or themselves Aggrieved by any Adjudication, he or they may Appeal to the next going Judge of Assize, who in a Summary Way may finally Hear and Determine the same, and make such Order thereon as he shall Deem Meet and Just. CHAP. VIII.

Provided also, And be it Enacted by the Authority aforesaid, That all Sum or Sums of Money so Levied as aforesaid, and the Money arising by the Sale of such Horse, Mare, or Gelding, which the

CHAP. VIII.

Perſon ſeizing the ſame is hereby Authorized to Sell, ſhall be Paid and Diſtributed, One Third part thereof to the Poor of the Pariſh or Pariſhes where ſuch Rates were, One other Third part thereof to the Incorporated Society, for Promoting Engliſh Proteſtant-Schools in this Kingdom, and the other Third part to the Informer; Provided allways, That it ſhall and may be Lawful to and for the Corporation of Horſe-Breeders in the County of Down, Incorporated under his Majeſty's Royal Charter, to Continue their Rates according to the Powers given them by the ſaid Charter, without being Subject to any of the Penalties Mentioned in this Act.

Provided allways, and be it Enacted by the Authority aforeſaid, That no Perſon or Perſons ſhall be Impeached, Proſecuted or Moleſted for any of the Offences Committed againſt this Act, unleſs he, ſhe or they be Proſecuted for the ſame within three Months after the Offence Committed.

Provided alſo, And be it further Enacted by the Authority aforeſaid, That if any Suit or Action ſhall be Commenced or Proſecuted againſt any Perſon or Perſons for any Thing done in Purſuance of this Act, every ſuch Suit or Action ſhall be Commenced within three Calendar Months next after the Fact was Committed and not afterwards, and ſhall

ſhall be Laid or Brought in the County, City or Place where the Cauſe of Action ſhall ariſe and not elſewhere, and the Defendant and Defendants therein ſhall and may Plead the General Iſſue, and give this Act and the Special Matter in Evidence, at the Tryal to be had thereupon, and that the ſame was done in Purſuance of, or by the Authority of this Act, and if the Plaintiff or Plaintiffs ſhall become Non-Suited or Diſcontinue his, her or their Action or Actions, Suit or Suits, or if upon Demurrer Judgment ſhall be given againſt the Plaintiff or Plaintiffs, the Defendant or Defendants ſhall and may Recover Treble Coſts and have the like Remedy for the ſame, as any Defendant or Defendants hath or have for Coſts in any other Caſes by Law.

CHAP. IX.

AN

ACT

FOR

Explaining and Amending, *An Act for the Relief of Mortgagees, and for the Perpetuating the Teſtimony of Witneſſes, in Suits in Equity; And for Impowering the* Dean *and* Chapter *of the* Holy-Trinity *or* Chriſt-Church Dublin, *to Grant to His Majeſty for any Term of Years, the Rooms over the Room commonly Called the* Exchequer-Chamber, *and other Rooms therein Mentioned*; And for Amending a Miſnomer in *An Act to Enable* Charles Coote, Eſq; *to Raiſe Portions for Younger Children.*

G. II. R.



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CHAP. IX.

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Explaining and Amending, *An Act for the Relief of Mortgagees, and for the Perpetuating the Teſtimony of Witneſſes, in Suits in Equity; And for Impowering the* Dean *and* Chapter *of the* Holy-Trinity *or* Chriſt-Church Dublin, *to Grant to His Majeſty for any Term of Years, the Rooms over the Room commonly called the* Exchequer-Chamber, *and other Rooms therein Mentioned*; And for Amending a Miſnomer in *An Act to Enable* Charles Coote Eſquire, *to Raiſe Portions for Younger Children.*

CHAP. IX.

WHEREAS by An Act of Parliament Made in this Kingdom, in the Seventh Year of his preſent Majeſty's Reign, Intituled, An Act for the Relief of Mortgagees; And for making the Proceſs in Courts of Equity more Effectual againſt Mortgagors, who Abſcond and cannot be

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Served therewith, and againſt Perſons who, being Served, refuſe to Appear; And alſo, for better Regulating the Payment of the Fees of Attorneys and Solicitors; **It is amongſt other Things Enacted,** That where any Defendant or Defendants, to any Bill or Bills whatſoever, Filed in the Courts of *Chancery* or *Exchequer*, ſhall Appear to the ſaid Courts, to have been Duly Served, according to the preſent Courſe or Practice of the ſaid Courts, with Proceſs of *Subpœna* to anſwer ſuch Bill or Bills, and ſhall ſtand out the Proceſs of Contempt of the ſaid Courts to a Sequeſtration, and neglect to appear on ſuch Service, by his, her, or their Six-Clerk or Attorney, in the uſual Manner; In ſuch Caſe, ſuch Court may appoint a Clerk or Attorney in Court to appear for ſuch Defendant or Defendants, and ſuch Proceedings may be had thereupon, in the ſaid Cauſe, as if ſuch Defendant or Defendants had Actually Appeared.

And whereas a Doubt hath been conceived, whether after ſuch Appearance by a Clerk or Attorney Appointed by the Court, the Plaintiff is not to begin the Proceſs of Contempt again, and Run out the ſame to a Sequeſtration, before he can Proceed to hear his Cauſe, which would be a great and unneceſſary Delay and Expence to the Suitor; For Removal of which Doubt,

Be it Enacted and Declared by the King's Moſt Excellent Majeſty, by and with the Advice

Advice and Conſent of the Lords Spiri- CHAP.
tual and Temporal, and Commons in IX.
this preſent Parliament Aſſembled, and
by the Authority of the ſame, To be the
True Senſe and Meaning of the ſaid Act,
that after ſuch Appearance by the Appoint-
ment of the Court as aforeſaid, the Plain-
tiff or Plaintiffs in ſuch Cauſe or Cauſes
reſpectively, may Proceed to hear his, her,
or their Cauſe, upon the Sequeſtration
Obtained by him or them, as if the De-
fendant or Defendants, had Actually Ap-
peared and Stood out ſuch Proceſs of
Contempt or Sequeſtration.

And whereas Suits in Equity for Per-
petuating the Teſtimony of Witneſſes, if
the Perſons againſt whom ſuch Teſtimo-
ny is intended to be perpetuated, ſhould
ſtand out all Proceſſes of Contempt for
not appearing, or in Caſe of Appearance,
for not Anſwering, the Plaintiff in ſuch
Caſe, has no Means of Proceeding in
his Cauſe, to have the Teſtimony of his
Witneſſes perpetuated, and may thereby
be put under great Difficulties, in Re-
gard to the Settling or Diſpoſing of
his Eſtate, or raiſing of Money for his
neceſſary Occaſions, for want of being
able to give Satisfactory Evidence of the
Title under which he Claims; For Re-
medy whereof,

Be it Enacted by the Authority afore-
ſaid, That in all Suits which now are,

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or at any Time hereafter shall be Instituted in any of his Majesty's Courts of Equity in this Kingdom, against any Person or Persons, in Order to have the Testimony of Witnesses perpetuated, where all or any of the Defendant or Defendants, have, or has stood out, or shall hereafter, either for not appearing, or in Case of Appearance, for not Answering, or for any other Cause, stand out Process of Contempt to a Sequestration, and that the Sequestrators shall Return, that no Estate or Effects of such Defendant or Defendants, are found within this Kingdom to be Sequestred, the Plaintiff in all and every such Case, upon his, her or their Publishing in the Dublin Gazette, Three Days in each Week, for the Space of Six Weeks Successively, the Names of the Plaintiff or Plaintiffs, Defendant or Defendants, in such Cause or Causes respectively, and mentioning therein which of the said Defendants have so run into Contempt to a Sequestration, as also, the said Return, shall and may, upon Application for that Purpose, to the Court where such Cause is or shall be depending, be at Liberty to Examine his Witnesses, as against such Defendant or Defendants, as now are, or shall be so in Contempt, and pass Publication of the Depositions, as if such Defendant or Defendants had Appeared and Answered, and the Cause had been regularly at Issue,

ſue, and Publication paſſed, according to the uſual Courſe and Method of ſuch Court; Any Law, Cuſtom, or Uſage at any Time heretofore to the contrary, in any wiſe notwithſtanding. CHAP. IX.

And be it further Enacted by the Authority aforeſaid, That in all and every ſuch Suit and Suits for Perpetuating the Teſtimony of Witneſſes, as aforeſaid, which now are, or ſhall at any Time hereafter be Inſtituted, wherein the Plaintiff had, or at any Time hereafter ſhall have Examined his Witneſſes De bene Eſſe, and the Defendants in ſuch Suit or Suits, or any of them have or has Stood, or ſhall hereafter Stand out Proceſs of Contempt, to a Sequeſtration for Non-Appearance, or in Caſe of Appearance for not Anſwering, and ſuch Return had thereon as aforeſaid, or for any other Cauſe ſo as the Plaintiff cannot Proceed to Examine his Witneſſes in Chief, the Plaintiff in all and every ſuch Caſe upon giving ſuch Notice in the Dublin-Gazette as aforeſaid, ſhall and may, upon Application for that Purpoſe to the Court where ſuch Cauſe or Cauſes is or are or ſhall be Depending, have Publication of ſuch Depoſitions, and the Cauſe ſhall be as againſt ſuch Defendant or Defendants as is, or are, or ſhall be ſo in Contempt Proceeded on, upon the Sequeſtration and Return, and the ſame ſhall be as Effectual to all Intents and Purpo-

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ſes againſt ſuch Defendant and Defendants as if he, ſhe or they had appeared and Anſwered, and the Cauſe had Regularly Proceeded to Iſſue, and the ſaid Depoſitions had been Taken upon an Examination in Chief according to the uſual Courſe of ſuch Court; Any Law, Uſage or Cuſtom heretofore to the Contrary, in any wiſe notwithſtanding:

And whereas the Room commonly called the Exchequer Chamber, where formerly the Court for Hearing and Determining of Errors in the Court of Exchequer, the Courts of Delegates, and the Commiſſioners for Hearing and Determining of Appeals from the Commiſſioners of the Revenue and their Sub-Commiſſioners uſually Sate, is Ruinous and cannot now be made Uſe of; And whereas it is neceſſary to Repair and Raiſe the Roof of the ſaid Room, and His Majeſty can have no Laſting and Permanent Intereſt in the Rooms over the ſaid Exchequer Chamber, by Reaſon that the Dean and Chapter of the Holy Trinity or Chriſt-Church in Dublin, who are Seized thereof in Right of their Chapter to the ſaid Rooms, are not Impowered to Grant any greater Intereſt therein, than a Term for Forty Years;

Be it Enacted by the Authority aforeſaid, That it ſhall and may be Lawful to and for the Dean and Chapter of the Holy Trinity or Chriſt-Church in Dublin, and their

their Succeſſors to Grant unto the King's Most Excellent Majeſty the ſaid Rooms over the Exchequer Chamber, and all other their Rooms now made Uſe of for the Service of any of His Majeſty's Courts aforeſaid, or over any of the ſame, and ſuch other Part of their Poſſeſſions Adjoyning to or near the Hall where His Majeſty's Four-Courts are Held in the County of Dublin, or County of the City of Dublin, as ſhall be thought Neceſſary by the Chief Governor or Governors of this Kingdom for the Time being, for Repairing or Erecting the ſaid Exchequer Chamber, and for the better Accomodation of any of His Majeſty's Courts aforeſaid, for any Term of Years; A certain Act, Intituled, An Act for the Preſervation of the Inheritance, Rights, and Profits of Lands belonging to the Church, or Perſons Eccleſiaſtical; or any other Law or Statute to the contrary, in any wiſe notwithſtanding. CHAP. IX.

And whereas by An Act of Parliament, Made and Paſſed in the Eleventh Year of the Reign of His preſent Majeſty, King George the Second, Intituled, An Act to Enable *Charles Coote* of *Coote-hill*, in the County of *Cavan* Eſquire, to Charge his Eſtate, Settled on his Intermarriage, with a further Sum of Eight Thouſand Pounds, for the Portions and Proviſions of Three or more Younger Children, whether Sons or Daughters, or both, ſo as the ſame with the Sum of Four Thouſand Pounds,

CHAP. IX.

Charged thereon by the ſaid Settlement, do not Amount to more than Two Thouſand Pounds a Piece, for ſuch Younger Children, if Equally Divided, for the Conſiderations therein Mentioned; Reciting among other Things that by Indentures of Leaſe and Releaſe, the Leaſe bearing Date the Sixth Day of July, in the Year of Our Lord, One thouſand ſeven hundred and twenty two, and the Releaſe being Sextipartite, and bearing Date the Seventh Day of the ſame July, and mentioned to be Made between Thomas Coote of Coote-hill in the County of Cavan Eſquire, Frances Coote then Wife of the ſaid Thomas Coote ſince Deceaſed, and the ſaid Charles Coote, only Son and Heir of the ſaid Thomas Coote of the Firſt part, Richard Geering of the City of Dublin Eſquire, and Prudence Coote now the Wife of the ſaid Charles Coote, by her then Name of Prudence Geering, ſecond Daughter of the ſaid Richard Geering of the ſecond part, The Right Honourable William Lord Viſcount Mountjoy, and the Right Honourable Robert Lord Viſcount Moleſworth, both ſince Deceaſed of the Third part, the Right Honourable Richard Tighe of the ſaid City of Dublin, ſince Deceas'd, and James Mc Cartney Junior of the ſame City Eſquires, of the Fourth part, George Warburton ſince Deceas'd, and Frederick French of the ſame City Eſquires, of the Fifth Part, Sir Thomas Taylor of the ſaid City of Dublin Baronet, ſince Deceaſed, and Richard

Richard Warburton of the ſame City Eſquire, of the Sixth Part, and by a Fine Levyed purſuant thereto, in Conſideration of a Marriage then Intended and ſince had, between the ſaid Charles Coote, and the ſaid Prudence, and for the other Conſiderations in the ſaid Indenture of Releaſe mentioned, the ſaid Thomas Coote, Frances Coote his Wife, and the ſaid Charles Coote did Grant and Convey, to the ſaid William Lord Viſcount Mountjoy, and Robert Lord Viſcount Moleſworth, and their Heirs, the ſeveral Honours, Mannors, Caſtles, Meſſuages, Towns, Lands, Tenements, Hereditaments, Poles, Half-Poles, and Pottles of Land, Fee-Farm Rents, and other Rents, Situate, Lying and Being, in the Counties of Cavan and Monaghan, therein particularly Mentioned, to Hold to the ſaid William Lord Viſcount Mountjoy, and Robert Lord Viſcount Moleſworth, and the Survivor of them, his Heirs and Aſſigns, to and upon the ſeveral Uſes, Truſts, Intents and Purpoſes, and Subject to the ſeveral Charges, Proviſoes, Conditions, and Agreements, in the ſaid Indenture of Releaſe particularly Mentioned, and among others to the Uſe of the ſaid George Warburton, and Frederick French and the Survivor of them, his Executors and Adminiſtrators, for the Term of Two Hundred Years upon Truſt, among other things to Raiſe Portions and Maintenances for the

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Younger Children of the said Marriage, as therein is Mentioned; It was among other things Enacted, That it shall and may be Lawful, to and for the said Charles Coote, at any Time during his Natural Life, by any Deed, Will, Instrument or Writing, by him to be Executed, in the Presence of Three or more Credible Witnesses, to Charge and Incumber, all and Singular the said Premises, in the said Term of Two hundred Years contained, or any Part thereof, in Case he shall Dye Leaving Issue Male, and Three or more Daughters or Younger Children by the said Prudence, for their Portions, with any Sum or Sums of Money he shall think fit, not exceeding in the whole, the Sum of Eight Thousand Pounds, Instead of the Sums not exceeding One Thousand Pounds, which he is Impowered to Charge, by the Trust of the Term aforesaid, as an Addition to the Sum of Four Thousand Pounds, Provided by the Trust of the said Term, for such Two Younger Children, so as such further Sum or Sums of Money, with the said Sum of Four Thousand Pounds, do not Amount to more than the Sum of Two Thousand Pounds a Piece, for such Three or more Daughters or Younger Children, if the same were equally Divided amongst them, to be Raised by the said Frederick French, his Executors and Administrators, in the same Manner and be Distributed

and

and paid to and among such Three or more Daughters or younger Children, in such Shares and Proportions and at such respective Times, and with such respective Maintenances in the mean time, till the said Sums shall respectively become payable as the Portions and Maintenances, Provided by the said Trust of the Term of Two hundred Years aforesaid, for the Daughters or Younger Children of the said Marriage, are to be Raised, Distributed, and paid. CHAP. IX.

And whereas, the said Term of Two hundred Years is by the said Recited Settlement, Limited to, and Vested in the said George Warburton since Deceased, and Frederick Trench of the City of Dublin, Esq; and the said Frederick French is Mentioned and Recited in the said Act of Parliament, as a Party to the said Settlement, and as one of the Trustees of the said Term of Two hundred Years, by Mistake, instead of the said Frederick Trench; And whereas no part of the said Sum of Eight Thousand Pounds hath yet been Raised, and the said Mistake if not Rectified may hereafter Delay or Obstruct the Raising thereof:

Be it Enacted and Declared by the Authority aforesaid, That it shall and may be Lawful to and for the said Frederick Trench, his Executors and Administrators, and he, and they, is, and are hereby Impow-

CHAP. IX.

ered to Raiſe ſuch Sum and Sums of Money, not exceeding in the whole the Sum of Eight thouſand Pounds, as the ſaid Charles Coote Purſuant to the Powers given to him, in and by the ſaid Act, ſhall Charge on the ſaid Lands and Premiſes Compriſed in the ſaid Term of Two hundred Years, for the Purpoſes in the ſaid Act Mentioned, in ſuch and the ſame Manner, and as Fully and Effectually to all Intents and Purpoſes, as the ſaid Frederick Trench his Executors and Adminiſtrators could or might have Raiſed the ſame, in Caſe he, or they had been Named in the ſaid Act Inſtead of the ſaid Frederick French, his Executors and Adminiſtrators, and the ſaid Frederick French in the ſaid Act mentioned, his Executors and Adminiſtrators is, and are hereby Diſabled to Execute all or any of the Powers thereby Given to, or Veſted in him or them; Any Thing in the ſaid Act contained to the Contrary notwithſtanding.

CHAP. X.

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ACT

TO

Explain and Amend an Act, Paſſed in the ſixth Year of the Reign of His late Majeſty, King *George* the Firſt, Intituled, *An Act for the better Regulating the Pariſh-Watches, and Amending the High-Ways in this Kingdom, and for Preventing the Miſapplication of Publick Money.*

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DUBLIN:

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AN

ACT

TO

CHAP. X.

AN ACT TO

Explain and Amend an Act, Passed in the Sixth Year of the Reign of His late Majesty, King *George* the First, Intituled, *An Act for the better Regulating the Parish-Watches, and Amending the High-Ways in this Kingdom, and for Preventing the Misapplication of Publick Money.*

CHAP. X.

WHEREAS the giving a Reward for the Apprehending and Convicting Thieves and Robbers, will be a great Means to Prevent Robberies for the future:

Be it Enacted by the King's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this Present Parliament Assembled, and by the Authority of the same, That a Sum of Money not exceeding Five Pounds shall be given as a

Chap. X. Reward to every Watchman, or to any other Person or Persons who shall Apprehend and Lodge in Goal, any Thief or Robber concerned in any Robbery, for which Death by Law ought to be Inflicted, who shall be after Convicted of the said Felony, and that the said Money shall be Raised by Presentment of the Grand-Jury at the Assizes of the County where such Robbery or Felony, for which Death ought to be Inflicted, shall be Committed, as other County Charges are Raised.

And whereas the laying out of Roads in straight Lines from Market-Town to Market-Town, would be a great Ease to Travellers and of general Advantage to the Kingdom, notwithstanding which the Owners or Occupiers of Lands adjoyning to or near the said Roads do often Refuse Liberty to Cut such Roads in a Direct Line, though full Satisfaction and Recompence be Tendered to such Owners and Occupiers respectively, for any Damage to be Done thereby; To Remedy which,

Be it Enacted by the Authority aforesaid, That from and after the First Day of August, in the Year of Our Lord, One thousand seven hundred and forty, it shall and may be lawful, to and for the Grand-Jury of any County at the Assizes, at the Request of any Person or Persons, by Presentment

sentment, in which such person or persons Name or Names shall be Expressed, to Point out and Ascertain the Lands and Places where any new Road shall be Carried in as Direct a Line as possible, and of Statutable Breadth, from any Market-Town in the said County, to any other Market-Town in the same County, or as far as the said County Extends, to any other Market-Town in the next Adjacent County. CHAP. X.

Provided allways, That where any such new Road shall be appointed, the same or any part thereof shall not be carried through any Ground, being built upon, or through any Garden, Orchard, Yard, Planted-Walk or Avenue, to any House whatsoever.

And be it further Enacted by the Authority aforesaid, That if any Owner or Occupier of any part of the Lands through which such new Road is to be carried, shall think him, her or themselves Agrieved by such Presentment, it shall and may be lawful for such Owners or Occupiers, to enter one or more Traverse or Traverses, to such Presentment; Which Traverse or Traverses shall be Tried at the next Assizes, without good Cause shewn to the contrary; And the Jury to Try the same, shall Assess fitting Damages and Recompences to the Owner or Own-

Chap. X.

ers, Occupier or Occupiers of such Lands or any Part thereof, for their respective Interests therein, to be paid by such Person or Persons, at whose Request such Presentment shall be made; On Payment of which to the Person or Persons so Traversing the said Presentment, or on Lodging the said Sum so Assessed, with the Treasurer of the County, for the Use of such Owners or Occupiers respectively, it shall and may be lawful to and for the Person or Persons at whose Instance such Presentment was made, to enter upon the said Work, and to perfect the same without Interruption of the said Owners or Occupiers, or of any other whatsoever.

And whereas High-Roads made by Presentments through Fenny Bogs, Low and Marshy Grounds, are frequently overflowed and under Water, by Means of the Mains or Trenches on either Side thereof, not being kept Clean and Scoured:

Be it Enacted by the Authority aforesaid, That every Proprietor of such Boggy, Low and Marshy Grounds or Bottoms, through which such Road hath been or shall be hereafter made by the Publick Money of any County (except Turnpike-Roads) shall, every Third Year, Scour such Trenches, so as the Water may freely run, and be carried off; And in Default thereof, that any

any two Justices of the Peace of the County where such Roads lie, may send such Proprietor Notice in Writing under their Hands, to Clear and Scour such Trenches as aforesaid, in Six Calendar Months after the Date of such Notice; Which if the said Proprietor shall omit, that in such Case the said Justices of the Peace may by Warrant under their Hands, Order the Overseers of the Parish wherein such Road is, to have the said Drains or Trenches effectually Scoured, and Levy the Value of the said Work on the Proprietors Goods and Chattels, to be Applied to the Discharge of the Work, Deducting such Reasonable Charge to the Overseers as the Justices aforesaid shall think fit, not exceeding two Shillings and Six-pence for each Day such Overseers shall necessarily be Employed in Attending and Finishing the said Work. CHAP. X.

And whereas several Persons do Lay great Quantities of Dung, Muck, Mooring and other Filth, on the Publick High-Ways to the Annoyance of Passengers, and great Damage and Impairing the said High-Way;

Be it Enacted by the Authority aforesaid, That it shall and may be Lawful, to and for any Person or Persons, after the Twenty fifth Day of April, which shall be in the Year of Our Lord, One thou-

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land seven hundred and forty, to Take and Carry away with Carts, Carrs or other Conveyance, all or any such Dung, Muck-Mooring or other Filth, as they shall find Laid in any High-Way, and the same to Apply to their own Use; And in Case any Suit or Action, shall be Commenced against any Person or Persons whatsoever, for and upon Account of the Taking away any such Dung, Muck-Mooring or other Filth as aforesaid, the Defendant shall plead the General Issue, and give the Special Matter in Evidence, and if a Verdict shall go for the Defendant, or if the Plaintiff shall be Nonsuit or Discontinue his Suit, the Defendant shall have and Receive his Treble Costs; Any Law, Custom or Usage, to the Contrary notwithstanding.

And whereas by suffering the Hedges, on either side of High-Ways or Roads, to Grow too High and Overhang the said Roads, the said Roads are greatly Annoyed, and the Laws already Made in this Kingdom for Remedy thereof, are ineffectual:

Be it Enacted by the Authority aforesaid, That all Hedges of White-Thorn, Black-Thorn, Sally, Hazel, Furze and Holly, Growing on either side of any High-Ways or Roads in this Kingdom, (which are not Turnpike-Roads) shall be

be Cut or Clipped at a Height not exceed- CHAP.
ing five Feet, by the Owner or Occupier X.
of the Ground which shall be Enclosed
with such Hedges (except the Enclosures
of Gardens, Orchards, Nurseries and
Hop-Yards) and upon Neglect thereof for
the Space of Fourteen Days, after Notice
in Writing given for that Purpose, under
the Hand of the Overseer or Overseers to
be Appointed by the Parish or Grand-Ju-
ry, which Notice such Overseer or Over-
seers are hereby Required to give where
the same is Requisite, it shall and may be
Lawful, to and for such Overseer or O-
verseers, to Cut Down such Hedges (ex-
cept as aforesaid) according to the Height
aforesaid, the Charges whereof shall be
Reimbursed, the said Overseer or Over-
seers, by such Owner or Occupier, his or
her Executors or Administrators, by War-
rant under the Hand and Seal of any
Justice of the Peace for such County;
And if any Overseer or Overseers, shall
Neglect his, or their Duty herein, he and
they shall Forfeit the Sum of Ten Shil-
lings Sterling, for every Default or Neglect,
the said Penalty to be Recovered by Civil
Bill, by any Person who shall first Sue for
the same.

Provided allways that no Notice shall be given to Cut or Clip any Hedges, but between the Twenty ninth Day of September, and the Twentieth Day of February, in each Year.

CHAP. X.

And whereas the several Laws heretofore made for Securing the Publick Money Due and Payable by the Treasurers of Counties, Overseers of High-Ways, and other Publick Works, and High and Petty Constables and other Collectors and Receivers of the Publick Money, have proved ineffectual, by Reason that such Treasurers, Overseers, High and petty Constables and other Collectors and Receivers, have so absented themselves that their persons cannot be Arrested, and many others of them having been Arrested and Imprisoned, have chose rather to remain in Goal than to Render a Just and True Account of their respective Collections or to pay the Ballance thereof Remaining in their Hands, whereby many Sums of the Publick Money have been Lost, and Remain unaccounted for, notwithstanding that such Treasurers, Overseers, High and petty Constables, and other Receivers of the Publick Money, are Seized and Possessed of Lands and Tenements, Goods and Chattels to a considerable Value, out of which such Publick Money may be Raised and Levied; To the End therefore the better to Secure the Publick Money, Raised or to be Raised by Presentments of Grand-Juries within this Kingdom, and the more Effectually to prevent the Frauds heretofore Practised by Treasurers, Overseers of High-Ways and other Publick Works, High and petty Constables, and

and other Collectors and Receivers of the Publick Money heretofore Paid in or which may hereafter be Presented by Grand-Juries within this Kingdom. CHAP. X.

Be it Enacted by the Authority aforesaid, That it shall and may be Lawful for and for the Justices of his Majesty's Court of Kings-Bench in Term time, and to and for the Judges of Assize, in their several and respective Circuits, and to and for the Justices of the Peace at the Quarter-Sessions, for the County of the City of Dublin, and for the County of Dublin, from Time to Time, to Order one or more Warrants, in Nature of an Execution, to Issue, Directed to the High-Sheriff or other Officer Lawfully Authorized within the several and respective Counties, and Counties of Cities and Towns, within the Province where such Person was made Treasurer, Overseer, Constable, Collector or Receiver, Impowering such High-Sheriff or his under Sheriff or Lawful Deputy, or other Officer Lawfully Authorized, by Sale of the Goods and Chattels, or a sufficient part thereof, or by, or out of the Rents, Issues, and Profits of the Lands and Tenements, of any Treasurer or Treasurers, Overseer or Overseers, of High-Ways and other publick Works, High and Petty Constables, and other Collectors and Receivers of the Publick Money, who shall not have Accounted for and Paid such Publick Money, and who shall be found to be in Ar-

CHAP. X.

rear for the same, or any part thereof, to Raise, Levy, and Collect, such Sum or Sums of Money, for which they shall be so in Arrear; For the Collecting of which such High-Sheriff or his under Sheriff or Lawful Deputy, or other Officer Lawfully Authorized, shall be Intitled to Receive One Shilling, for every Pound he shall so Collect, to be Levied in manner aforesaid, from such Person and Persons against whom such Warrant shall Issue as aforesaid.

AN

CHAP. XI.

AN

ACT

For the FURTHER

IMPROVEMENT

OF THE

Hempen and Flaxen Manufactures of this Kingdom.

G. II. R.



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AN

ACT

FOR

The further Improvement of the Hempen and Flaxen Manufactures of this Kingdom.

CHAP. XI.

WHEREAS it hath been found by Experience, that the Laws now in Being concerning the Making and Manufacturing of Linen and Hempen Cloths in this Kingdom, have hitherto proved Ineffectual, to Restrain and Prevent the Frauds and Abuses which are Used and Practised in the making the said Cloths, which ill Practices tend very much to the Discrediting of the said Manufactures both at Home and in Foreign Markets, For Remedy whereof:

CHAP. XI.

Be it Enacted by the King's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this Parliament Assembled, and by the Authority of the same, That from and after the First Day of November, One thousand seven hundred and forty, no Weaver shall Weave, nor any Person or Persons Sell, or Expose to Sale, any plain Linen Cloth, being of or exceeding the Set of Fourteen hundred, commonly called Fourteen hundred Cloths, which shall not be, when green, and before the same shall be Bleached or Whitened, Thirty eight Inches broad at the least, upon Pain of Forfeiting the Sum of Forty Shillings for every such Piece of Linen Cloth so Woven, Sold or Exposed to Sale; And that no Weaver shall make Use of any Reeds in Weaving any plain Linen-Cloths of the Set of Fourteen hundred, commonly called Fourteen hundred Cloths, or upwards, that shall not be Forty Inches wide at least, upon Pain of Forfeiting the Sum of Forty Shillings for every Piece of such Linen Cloth, by him Woven in any Reeds not Forty Inches wide at least; And that no Lapper shall Lapp or Stamp any plain Linen Cloth of the Set of Fourteen hundred, commonly called Fourteen hundred Cloths, or upwards, that shall not when whitened be thirty six Inches broad at least.

And

CHAP. XI.

And be it further Enacted by the Authority aforesaid, That from and after the First Day of June, in the Year of Our Lord, One thousand seven hundred and Forty, every Weaver shall truly Stamp, in legible Characters with Oyl and Lamp-Black, on every Piece of Green plain Linen Cloth of the Set of Fourteen hundred, commonly called Fourteen hundred Cloths or upwards, by him, his Journeyman or Apprentice Woven, the Number of hundreds contained in the Breadth of such Cloth, together with the First Letter of his Christian-Name, and also his Sir-name at full Length, upon Pain of Forfeiting the Sum of Forty Shillings, for every Piece of such Linen Cloth by him or them Woven and Omitted to be Marked as aforesaid; And that every Weaver shall Weave all Linen and Hempen Yarn to him Delivered, into Cloth of such certain Breadth as shall be agreed upon, between the Owner and Owners of such Yarn and such Weaver; Provided such Breadth be not Contrary to this or any former Law, upon Pain of Forfeiting to the Owner or Owners of such Yarn, the full Value or Price Agreed upon for Weaving such Yarn; And that every Reed-Maker or other Person, making Reeds for Weaving Linen Cloth or Hempen Cloth, shall equally Divide all the Splits in each and every

CHAP. XI.

Reed by him made, and shall likewise set upon every such Reed by him made, a Mark with an Iron Brand, containing the first Letter of his Christian-Name, and also, his Sir-name at Length in plain legible Characters, upon pain of Forfeiting the Sum of Twenty Shillings, for every Offence in not equally Dividing the Splits or Marking his Name as aforesaid; And that no Weaver shall make use of any Reeds in Weaving Linen Cloth or Hempen Cloth, that shall not be equally Divided into Splits and Marked as aforesaid, upon pain of Forfeiting the Sum of Twenty Shillings for every Reed that such Weaver shall make use of, that shall not be equally Divided and Marked as aforesaid.

And be it further Enacted by the Authority aforesaid, That if any Weaver, Bleacher, Carrier or other Person whatsoever, intrusted with any Linen or Hempen Yarn, or Linen or Hempen Cloth, shall fraudulently Sell or Imbezzle the same, or any part thereof, of the Value of One Shilling or upwards, such Weaver, Bleacher, Carrier or other Person shall, for every such Offence, Forfeit to the Person Aggrieved Treble the Value of such Yarn or Cloth, or of such part thereof so Sold or Imbezzled.

And be it further Enacted by the Authority aforesaid, That from and after the

the first Day of June, in the Year of Our Lord, One thousand seven hundred and forty, no Person or Persons whatsoever, shall Keep, Employ, or make Use of any publick Bleach-Yard, within the City of Dublin or Five Miles thereof, without Licence for that purpose first had and Obtained from the Trustees Appointed for Encouraging the Woollen and Flaxen Manufactures of this Kingdom, or any five or more of them, on pain of Forfeiting the Sum of Two Hundred Pounds, and that no Fee or Reward shall be taken for such Licence or Licences. CHAP. XI.

And be it further Enacted by the Authority aforesaid, That all Offences committed against what is herein before Enacted, except the keeping of a Publick Bleach-Yard without Licence as aforesaid, which shall be heard and Determined by the said Trustees or any Five or more of them, shall be heard and Finally Determined by the said Trustees or any Five or more of them, or by any one or more Justice or Justices of the Peace, or Chief Magistrate of any City or Town-Corporate within their respective Jurisdictions, who, upon Complaint to him or them made, shall, upon Examination of one or more Witness or Witnesses upon Oath, which Oath they are respectively hereby Impowered to Administer, Adjudge and Determine the same, and Issue his or their War-

Chap. XI.

Warrant or Warrants, to any One or more Constable or Constables within their respective Jurisdictions, Requiring and Impowering him or them, by Distress and Sale of the Offenders Goods (the Overplus whereof shall be Rendred to the Owner or Owners) to Levy the respective Penalties by them Incurred, which when Levied shall belong and be Paid to the Informer or Informers, or such other Person or Persons as are hereinbefore particularly mentioned to be Intitled to the same respectively, first Deducting thereout the Sum of Twelve Pence, to be Paid to the Constable or Constables, for Executing every such Warrant; And if no sufficient Distress can be found, then the said Trustees, or such Five or more of them, or such Justice or Justices of the Peace or Chief Magistrate respectively, shall commit such Offender or Offenders, to the House of Correction within their respective Jurisdictions, there to be kept to hard Labour for the space of one Month.

And be it further Enacted by the Authority aforesaid, That every Flax-Dresser, Hemp-Dresser, Professed Maker of Linen Wheels, and Professed Maker of Hatchels, being a Protestant, shall be at Liberty to Set Up, and Exercise his Trade in any City or Town-Corporate, and during his Residence and following his Trade therein, shall be deemed and be a Freeman thereof:

Provided

CHAP. XI.

Provided nevertheless, That no such Flax-Dreſſer, or Hemp-Dreſſer, Profeſſed Maker of Linen Wheels, or Profeſſed Maker of Hatchels, ſhall have any Right to Vote in the Election of any Magiſtrate, for ſuch City or Town-Corporate, or of any Member to Serve in this or any future Parliament in this Kingdom, by Virtue only of ſuch Freedom.

And whereas, by an Act of Parliament paſſed in this Kingdom, in the Ninth Year of the Reign of His preſent Majeſty, Intituled, An Act for the further Encouragement and Improvement of the Flaxen and Hempen Manufactures, It is Enacted, that from and after the Firſt Day of May, One thouſand ſeven hundred and thirty ſix, if any Weaver ſhall Imbezzle, or Convert to his own Uſe, any Flaxen or Hempen Yarn delivered, or that ſhall be delivered to him to be Woven, ſuch Weaver over and above the Penalty inflicted on ſuch Offenders by the Act therein Recited, Made in the Second Year of the Reign of His late Majeſty King George the Firſt, being lawfully Convicted of ſuch Offence in the Manner Directed and Appointed by the ſaid recited Act, ſhall for the Firſt Offence Forfeit and pay to the Party aggrieved, the Sum of Forty Shillings, or ſuffer three Months Impriſonment at the Diſcretion of the Magiſtrate before whom

Chap. XI.

he ſhall be Convicted, and for the Second, and every other Offence, ſhall, upon Conviction in like Manner, Forfeit and Pay the Sum of Three Pounds, or ſuffer Six Months Imprisonment.

Be it Enacted by the Authority aforeſaid, That the ſaid Recited Clauſe of the ſaid Act, be from henceforth Repealed and made Null and Void.

And Whereas the Method of Proceeding in the Uſual Forms of Law, for the Recovery of ſuch Fines or Penalties, as are Impoſed on the ſeveral Lappers appointed by the ſaid Truſtees, is found to be Attended with great Delay and Expence; For Remedy whereof, Be it Enacted by the Authority aforeſaid, That from and after the Firſt Day of May, One thouſand ſeven hundred and forty, it ſhall and may be Lawful, to and for the ſaid Truſtees in the Name of their Clerk for the Time being, to Sue for in a Summary Way by Civil Bill before the Judges of Aſſize in their reſpective Circuits, and at the Seſſions in the County of Dublin, and County of the City of Dublin, and Recover againſt all and every Lapper and Lappers, and his, and their Security and Securities, all ſuch Sum and Sums of Money as have been Impoſed ſince the Firſt Day of May, One thouſand ſeven hundred and thirty eight, or ſhall be from time

time to time hereafter imposed by the said Trustees, or any Committee of them, by Way of Fine or Penalty on such Lapper and Lappers, and that Copies of the Orders of the said Trustees whereby such Clerk is Appointed, and whereby such Fine or Fines, Penalty or Penalties have been, or shall be Imposed, taken from the Books of the said Trustees, and Signed by such Clerk for the Time being, shall respectively be Taken, Deemed, and Adjudged, Full and Sufficient Evidence that such Person is their Clerk, and that such Fine and Fines, or Penalty and Penalties have been so Imposed. CHAP. XI.

Provided nevertheless, That no such Civil Bill shall be Brought for Recovery of any greater or larger Sum, than the Sum of Twenty Pounds.

And whereas, no Linen Cloth made in this Kingdom, can be Exposed to Sale or Exported, unless such Cloth contain Twenty two Inches and a half in Breadth at least, and unless the same be Lapped and Stamped, and that it hath been Found by Experience that it will tend greatly to the Benefit of this Kingdom to permit Linen Cloths of less Breadth, though the same shall not be Lapped and Stamped, to be Exposed to Sale and Exported.

CHAP. XI.

Be it Enacted by the Authority aforesaid, That for the Term of Four Years, to be Computed from the First Day of May, in the Year of Our Lord, One thousand seven hundred and forty, and from the Expiration of the said Four Years to the End of the then next Session of Parliament, it shall and may be Lawful for any person whatsoever, to Expose to Sale, and to Export out of this Kingdom any Linen Cloth, under the Set of Ten hundred made within the same, although the said Linen Cloth doth not Contain Twenty two Inches and an Half in Breadth, and although the same should not be Lapped and Stamped; Any Law or Statute to the Contrary notwithstanding.

AN

CHAP. XII.

AN

ACT

FOR

Continuing and Amending the Laws now in Force, in Relation to Butter and Tallow, and the Casks in which ſuch Goods are to be Made up, and for the Curing of Hides, and making up Beef and Pork for Exportation; And for Preventing the Deſtruction of Salmon.

G. II. R.

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AN

ACT

FOR

Consolidating and Amending the Laws now in Force, in Relation to Butter and Tallow, and the Casks in which Such Goods are to be Made up, and for the Curing of Hides, and making up Beef and Pork for Exportation; And for Preventing the Destruction of Salmon.

DUBLIN:

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AN

ACT

FOR

Continuing and Amending the Laws now in Force, in Relation to Butter and Tallow, and the Casks in which ſuch Goods are to be Made up, and for the Curing of Hides, and making up Beef and Pork for Exportation; And for Preventing the Deſtruction of Salmon.

CHAP. XII.

WHEREAS an Act paſſed in the Eighth Year of His late Majeſty King George the Firſt's Reign, Intituled, An Act for the further Amendment of the Laws, in Relation to Butter and Tallow Casks, Hides, and other Commodities of this Kingdom, and for preventing the Deſtruction of Salmon; Which ſaid Act was continued and Amended, by an Act made in the Tenth Year of His ſaid late Majeſty's

CHAP. XII.

jesty's Reign, Intituled, An Act for Continuing and Amending of the Laws in Relation to Butter and Tallow, and the Casks in which such Goods are to be made up, and in Relation to the Curing of Hides, and making up of Beef and Pork for Exportation, and for the preventing the Destruction of Salmon; Which said Act was Explained and Amended, by another Act made in the Twelfth Year of His said late Majesty's Reign, Intituled, An Act for Explaining and Amending An Act, Intituled, *An Act for Continuing and Amending of the Laws in Relation to Butter and Tallow, and the Casks in which such Goods are to be made up, and in Relation to the Curing of Hides, and making up of Beef and Pork for Exportation, and for preventing the Destruction of Salmon*; Which said Acts have been further Continued by several Statutes to the end of this Present Session of Parliament, and being found to be extreamly useful and now near Expiring, are therefore fit to be Continued with such Alterations and Amendments, as by this Act are made therein:

Be it therefore Enacted by the King's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this Present Parliament Assembled, and by the Authority of the same, That the said several Acts herein before Mentioned, with the several Alterations and Amendments here-

hereinafter Contained, be and are hereby further Continued for and until the Twenty fifth Day of March, which shall be in the Year of Our Lord, One thousand seven hundred and forty seven, and from thence to the End of the then next Session of Parliament and no longer. CHAP. XII.

And to the End that the several Rules, Regulations, Orders, and Directions in this and the said Recited Acts Mentioned and Contained, may be Strictly Observed, and Faithfully and Truly Executed, in the City of Corke, which is a Place of great Export;

Be it Enacted by the Authority aforesaid, That John Colthurst of the City of Corke Esquire, Edmund Knapp of the said City Alderman, and Edward Hoare the Younger, of the said City Esquire, and the Successors and Survivor of them, shall be and are hereby Appointed to be Weigh-Master and Weigh-Masters of the said City of Corke, with the same and the like Fees, Payable and in the same manner Recoverable, for the Trouble, Charges and Expences they shall be at, in the Execution of the said Office, and Subject to the same Conditions, and to the like Rules, Regulations, Orders and Directions, and under the same Penalties and Forfeitures, as the Weigh-Masters of Corke here and are made Liable to,

CHAP. XII.

by the ſaid Recited Acts, and this preſent Act, for the due Execution of the ſaid Office of Weigh-Maſters of the City of Corke, which ſaid Office ſhall be Executed by them, or by the Survivor or Survivors of them, his or their ſufficient Deputy or Deputies, during the good Behaviour of the ſaid John Colthurſt, Edmund Knapp, and Edward Hoare, and the Survivors and Survivor of them, in the ſeveral Publick Weigh-Houſes, now and for ſeveral Years paſt, made uſe of in the ſaid City, or in Places Contiguous to the ſaid Weigh-Houſes as the ſaid Weigh-Maſters or the Survivors or Survivor of them ſhall appoint.

Provided allways, That the ſaid John Colthurſt, Edmond Knapp, and Edward Hoare, and the Survivors and Survivor of them, ſhall and may from Time to Time be Subject and Liable to be Removed for Misbehaviour in the Execution of the ſaid Office, committed by them or any of them, or the Deputy or Deputies of them, or either of them, by the Mayor, Aldermen, and Common-Council of the ſaid City, in manner as Weigh-Maſters Appointed by the Mayor and Aldermen or Chief Magiſtrate and Burgeſſes in other Cities and Towns-Corporate, are by the ſaid Recited Acts or any of them made Removable, by ſuch Mayor and Aldermen or Chief Magiſtrate and Burgeſſes, with Liberty to

the

the ſaid Weigh-Maſters or any of them, who ſhall be ſo Removed, of Appealing to the next going Juſtices of Aſſize for the Munſter Circuit, in which the ſaid City of Corke lies, in their next Circuit, in ſuch manner as is in other Caſes provided for by the ſaid Recited Acts or any part of them; And in Caſe ſuch Weigh-Maſter or Weigh-Maſters, ſo Appealing ſhall be Reſtored by ſuch Juſtices of Aſſize, before whom ſuch Appeal ſhall be heard, to the Office of Weigh-Maſter, that then and in ſuch Caſe, the Perſon or Perſons who Acted in the ſaid Office from the Time of ſuch Removal, ſhall be Accountable for the full neat Profits of the Office, to ſuch Weigh-Maſter or Weigh-Maſters ſo Removed, and ſhall be conſidered and Paid only as a Deputy or Deputies, to ſuch Weigh-Maſter or Weigh-Maſters ſo Reſtored. CHAP. XII.

Provided alſo, That if the ſaid John Colthurſt, Edmund Knapp, and Edward Hoare, or any of them, or the Survivors or Survivor of them, ſhall Alien, Aſſign, Sell, Leaſe or otherwiſe Diſpoſe, of his or their Office of Weigh-Maſter or Weigh-Maſters, which by this preſent Act is Veſted in them, and the Survivor of them, to any Perſon or Perſons whatſoever, That then and in ſuch Caſe, the ſaid Office of Weigh-Maſter ſo as aforeſaid, Granted to them, ſhall as to the Perſon or Perſons

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so Alieving, Assigning, Selling, Leasing, or otherwise Disposing of the said Office, Cease and Determine, and also, every Sale, Grant or Lease, made by them contrary to the Intent of this Act, shall be absolutely Null and Void to all Intents and Purposes whatsoever.

Provided also, That if the said Office of Weigh-Masters for the City of Corke, shall become Vacant by the Death or Removal of the said John Corhurst, Edmund Knapp, and Edward Hoare, or otherwise, then and in every such Case, it shall, and may be Lawful, to and for the Mayor, Aldermen and Common Council of the said City of Corke, by Writing under the Common Seal of the said Corporation, to Nominate and Appoint two other Persons to the said Office of Weigh-Master, who, after such Nomination and Appointment, shall hold the same to them, and the Survivor of them, to be Executed by themselves, or the Survivor of them, or his, or their sufficient Deputy or Deputies, during the good Behaviour of the Persons so Appointed, with the same Fees, and under the like Regulations, Conditions, Rules, Penalties and Forfeitures, as the Weigh-Masters of Corke now are, or shall be Subject and Liable to by the said Recited, and this present Act, for the due Execution of the Office of Weigh-Master, and to the same Power of Removal as in

herein

herein Appointed for the ſaid John Colchurſt, the ſaid Edmund Knapp, and Edward Hoare, and their Deputies reſpectively. CHAP. XII.

And whereas, Coopers have heretofore been frequently appointed Weigh-Maſters, by which Means Frauds have been Committed, and the Law for the Regular Branding of Butter and Tallow Caſks, thereby greatly Eluded;

Be it therefore Enacted by the Authority aforeſaid, That for the future, no Cooper during the Time ſuch Cooper ſhall Exerciſe, or Follow the Trade or Myſtery of a Cooper, or ſhall Employ any Apprentice or other Perſon in Making Caſks for Packing up of Butter or Tallow, for his Uſe or in Truſt for him, ſhall be capable of being Appointed a Weigh-Maſter, or Deputy Weigh-Maſter, any Thing in this Act, or any former Law to the contrary thereof notwithſtanding.

And be it further Enacted by the Authority aforeſaid, That if any Merchant-Dealer or other Perſon ſhall, from and after the Twenty ninth Day of September, which will be in the Year of Our Lord One thouſand ſeven hundred and forty, Carry, or Convey, or cauſe to be Carried, or Conveyed any Caſk or Caſks of Butter or Tallow, to any Cuſtom-Houſe,

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Wharf or Key, or to any other place or Places for Loading or Discharging of Goods within this Kingdom, with an Intent to Export the same, on which Cask or Casks the Weigh-Master or Weigh-Masters Brand or Brands shall not be Marked or Branded thereon, as by this, and the aforesaid Recited Acts are Required and Directed, That then and in every such Case, all and every such Cask or Casks of Butter and Tallow, that shall not be Marked or Branded with the Weigh-Master or Weigh-Masters Mark or Brand, as also the Butter and Tallow therein contained, shall be Forfeited to any Person who will Seize the same, and give Information thereof to the Mayor or other Chief Magistrate of the City, or Town-Corporate where such Custom-house, Wharf or Key, or other place of Export lyes, And in such places where there is no such Mayor or Chief Magistrate, to some Neighbouring Justice of the Peace, who are hereby Required within their respective Jurisdictions, to Examine the same, without Loss of Time, and if it shall Appear upon Oath, which Oath the said Mayor or Chief Magistrate, or Justice of the Peace have hereby Power to Administer, that the said Casks of Butter or Tallow or any of them were Intended for Exportation and that they are not Branded, as this and the said Recited Acts Require and Direct,

rect, that then such Mayor, Chief Magi- CHAP.
strate and Justice of the peace, shall De- XII.
clare, and is hereby Required to Declare
and Adjudge, without Favour or Affecti-
on, such Cask or Casks and the But-
ter and Talloh therein Contained not
Marked or Branded according to the Di-
rections of this, and the said former Acts
to be Forfeited, One Moiety to the Infor-
mer, and the other Moiety to the Poor of
the Parish where such Seizure shall be
Made.

And for the further preventing Frauds in Exporting such Goods and Commodities to Foreign Markets;

Be it further Enacted by the Authority aforesaid, That if any Land-Waiter or other Officer of the Revenue, Intrusted with the Loading or putting on Board any Butter or Talloh, in Order to be Exported, shall, from and after the said Twenty ninth Day of September, One thousand seven hundred and forty, Permit or Suffer any Cask or Casks of Butter or Talloh, to be Shipped or Loaden on Board any Ship, Boat or Vessel in Order to be Exported, unless such Cask or Casks of Butter or Talloh, have been Marked and Branded by the Weigh-Master or Weigh-Masters, Pursuant to this and the before Recited Acts, That then and in every such Case, every such Land-Wai-

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ter, or other Officer of the Revenue Offending therein, shall Forfeit the Sum of Ten Shillings for every Cask of Butter, and for every Cask of Tallow the Sum of Twenty Shillings, that shall be so Loaden on Board any Ship, Boat or Vessel, for Exportation contrary to this Act, the same to be Recovered by Civil Bill, before the Justice or Justices at the Assizes, or before the Justices of the Peace, in the County of the City of Dublin, and County of Dublin, at the Quarter-Sessions of the Peace, Held for the said Counties respectively, in the same manner as Civil Bills are now used and practised; Any Law to the Contrary notwithstanding.

And whereas great Abuses are committed in the City of Dublin, and Liberties thereunto Adjoyning, by wilful Dirtying of Green-Hides and Calves-Skins, and by Gashing and Cutting them in Fleaing;

Be it Enacted by the Authority aforesaid, That every Weigh-Master Appointed for Weighing of Green-Hides, in the said City and Liberties or his Deputy, shall, from and after the First Day of May next, keep proper Entries in Books to be kept for that Purpose, of the Weight of all Green-Hides by them Weighed, Expressing the Day on which they were Weighed, the Buyers and Sellers Names, the Number of Hides Weighed in each Draught,

Draught, the Gross Weight of each Draught, and the Allowance made on each Draught, and shall give a Copy of such Entry, Signed with his Name, unto the Buyer of such Hides upon his Request, under the Penalty of Ten Shillings for every Omission or Neglect therein, and no person whether Buyer or Seller, so Employed in Buying or Selling of Green-Hides, shall make or accept of any other Allowance than what is made by the Weigh-Master as aforesaid, under the Penalty of Ten Shillings for every Offence, and if either Buyer or Seller of Green-Hides, Object against the Allowance made by the Weigh-Master or his Deputy, that then it may be Lawful for the said Weigh-Master or his Deputy if thereunto Required, to Cause the said Hide or Hides to be Washed, Cleaned and Drained, and in Case it appeared upon such Examination that the Party Objecting to the Allowance offered to be made by such Weigh-Master, for the Dirt, Sculls, Rumps, Sinews, and other Filth therein contained, had not a Just Cause for such Objection, that then the Parties so Objecting, shall Pay to the said Weigh-Master or his Deputy, three Pence for each Hide, so Washed and Cleaned, as a Recompence for his trouble; And where any green Hide or Hides, Calve-Skin or Calve-Skins is, or are Discovered by any of the said Weigh-Masters or their Deputies, to be

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Impaired by Gelding, Slaughtering or Cutting the same, that it shall and may be Lawful to and for the said Weigh-Master or his Deputy, to Keep and Detain the Hide or Hides, Calve-Skin or Calve-Skins so Impaired, until the Penalty or Penalties, for which the Person or Persons exposing the same to Sale, is, or are liable to be Levied and Raised, and that the said Penalty and Penalties shall be Levied and Raised out of the Goods of the Offender and Offenders by Warrant under the Hand and Seal of the Lord Mayor of Dublin, within the said City of Dublin and Liberties, and of the Seneschals within the respective Liberties thereto Adjoyning, which said Lord Mayor and Seneschals respectively, are hereby Impowered to Inquire into such Offences and to Determine the same, upon the Oath of One or more sufficient Witness or Witnesses, and the Penalties so Levied shall be Distributed, One Moiety to the Poor of the Parish, and the other Moiety to the Person or Persons Informing.

AN

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AN

ACT

FOR

Amending and Repairing the High-Way or Road, Leading from the Town of *Belfaſt*, in the County of *Antrim*, through the Pariſh of *Carmony* to the Town of *Antrim*, and from the Town of *Randalſtown*, to the Ferry of *Toom*, in the ſaid County.

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DUBLIN:

Printed by GEORGE GRIERSON, Printer to the King's Moſt Excellent Majeſty, at the *King's Arms* and *Two Bibles* in *Eſſex-Street*. MDCCXL.

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AN

ACT

FOR

Amending and Repairing the High-Way or Road, Leading from the Town of Belfast, in the County of Antrim, through the Parish of Carnmoney to the Town of Antrim, and from the Town of Randalstown, to the Ferry of Toome, in the said County.

DUBLIN:

Printed by George Grierson, Printer to the Kings Most Excellent Majesty, at the King's Arms and Bible in Essex-Street. MDCCXL.

AN

ACT

FOR

Amending and Repairing the High-Way or Road leading from the Town of *Belfaſt*, in the County of *Antrim*, through the Pariſh of *Carmony* to the Town of *Antrim*, and from the Town of *Randalſtown*, to the Ferry of *Toom*, in the ſaid County.

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WHEREAS the High-Way or Road leading from the Town of Belfaſt in the County of Antrim, through the Pariſh of Carmony, to the Town of Antrim, and from the Town of Randalſtown to the Ferry of Toom, in the ſaid County, by reaſon of the ſeveral Hollow Ways, and of the many and heavy Carriages frequently paſſing through the ſame is become ſo Ruinous and Bad, that in Winter Seaſon many Parts thereof are Impaſſable for Waggons, Carts, Carrs, and Carriages, and very Dangerous for Travellers, and cannot by the ordinary Courſe

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Appointed by the Laws and Statutes of this Realm, be Effectually Amended and Kept in good and ſufficient Repair; Wherefore, and to the Intent that the ſaid High-Ways and Roads may with convenient Speed be Effectually Amended, and hereafter kept in Good and Sufficient Repair, ſo that all Perſons may Travel the ſame with Safety;

Be it Enacted by the King's Moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons in Parliament Aſſembled, and by the Authority of the ſame, That for the better Surveying, Ordering, Amending, and Keeping in Repair, the ſaid High-Ways and Roads, it ſhall be in the Power of the Right Honourable Alexander Earl of Antrim, the Right Honourable Arthur Earl of Donegal, the Right Honourable Clotworthy Lord Viſcount Maſſareen, the Right Honourable Trevor Lord Viſcount Hillsborough, the Right Honourable Francis Lord Baron Conway, the Right Honourable William Conolly, the Honourable John Chicheſter, the Honourable John Skeffington, the Honourable Arthur Skeffington, the Honourable John Skeffington Junior, John Upton, Arthur Upton, Robert Colvil, Charles O'Neile, Hugh Henry, Arthur Hill, Edward Brice, Henry O' Hara, Hercules Rowley, Robert Hawkins Magill, Hercules Langford Rowley, Clotworthy O'Neile, and John Moore, Eſquires, Sir Robert Adair, Baronet, Arthur Dawſon, George Conyngham,

Cunyngham, William Stewart, George Macartney, Francis Clements, Charles Macartney, George Macartney, Junior, Thomas Banks, Arthur Dobbs, Davis Wilson, Charles Brice, Edmond Leslie, William Johnson, Robert Bitt, James Wilson, Hill Wilson, Archibald Edmondston, Robert Dalway, Felix O'Neile, and Edmond Mc Naughton, Esquires, Bernard O'Neile, William Mc Cullagh, Henry Shaw, Charles Bristow, Samuel Bristow, James Boyd, Henry Wier, Oliver O'Hara, John Bernie, and William Agnew, Gentlemen, Joseph Finniston, William Hartson, James Hutchinson, Skeffington Bristow, Clerks, Lewis Rafford, and George Spright, Gentlemen, Richard Stewart, Thomas Mereheld, Bernard Ward, and Edward Winder, Clerks, the Sovereign of Belfast for the time being, John Duff, Joseph Green, and Alexander Young, Gentlemen, Daniel Muffenden, John Allen, John Johnson, John Gordon, William Macartney, Patrick Smith, and Samuel Smith, Merchants, Valentine Jones, Gentleman, John Scott, Peter Leslie, and Arthur Duffe Clerks, Charles Crimble, James Stannus, Gentlemen, the Mayor of Carricfergus, for the Time being, George Portis, John Maccullum, Arthur Buttle, Anthony Charlton, Francis Shane, John Mc Neely, and James Kelsoe, Gentlemen, and the Survivors of them shall be, and are hereby Nominated and Appointed Trustees of the said Road, and they or any Five or more of them, or such Person or Persons as they, or any Five or more of them, shall Authorize and Appoint, shall and

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may Erect, or Cause to be Erected one or more Gate or Gates, Turn-pike or Turn-pikes in, upon or cross any Part or Parts of the said High-Way and Road, and also a Toll-House or Toll-Houses, and there shall Receive and Take the Tolls and Duties following, before any Horse, Mare, Gelding, Cattle, Coach, Berlin, Chariot, Calash, Chaise, Chair, Waggon, Wain, Cart, Carr, or other Carriage, shall be permitted to Pass thro' the same, viz. For every Coach, Berlin, Chariot, Calash, Chaise, or Chair, Drawn by Six Horses, Geldings or Mares, the Sum of One Shilling and Six Pence; And for every Coach, Berlin, Chariot, Calash, Chaise, or Chair, Drawn by any Lesser Number of Horses, Geldings, or Mares, than Six, and more than Two, One Shilling; For every Coach, Berlin, Chariot, Calash, Chaise, or Chair, Drawn with Two Horses, Geldings, or Mares, Six Pence; For Waggon, Wain, Cart, or Carriage with Four Wheels, the Sum of Ten Shillings; For every Wain, Cart, or Carriage, with Two Wheels, Drawn by more than Two Horses, Mares, or Geldings, or Oxen, the Sum of Two Shillings and Six Pence; For every Cart, or other Carriage, Drawn with Two Horses, Geldings, or Mares, the Sum of Four Pence; For every Carriage commonly called a Chair or Chaise, with One Horse, Mare or Gelding, the Sum of Three Pence; For every Cart, or other Carriage, Drawn but by One Horse,

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Mare, or Gelding, the Sum of One Penny Half-penny, excepting Cares laden with Coals, and for each of them One Penny; And for every Horse, Mare, Gelding, Mule, or Ass, Laden or Unladen, and not Drawing, One Penny; For every Drove of Oxen of Neat Cattle, the Sum of One Shilling and Eight Pence per Score, and so in Proportion for any greater or lesser Number; For every Drove of Calves, Hogs, Sheep, or Lambs, the Sum of Ten Pence per Score, and so in Proportion for any greater or lesser Number; Which said respective Sum and Sums of Money shall be Demanded and Taken in the Name of, or as a Toll or Duty, and the Money so to be Raised as aforesaid, is, and shall hereby be Vested in the said Trustees; And the same, and every part thereof, shall be paid, Applied, and be Disposed of, and be Assigned to, and for the several Uses, Intents and Purposes, and in such Manner as is herein after Mentioned and Directed; And the said Trustees, or any Five or more of them, are hereby Impowered by themselves, or any Person or Persons by them, or any Five or more of them, under their Hands and Seals, thereunto Authorized, to Levy the Toll or Duty hereby Required to be Paid, upon any Person or Persons, who shall, after Demand Made thereof, Neglect or Refuse to pay the same, by Distress of any Horses or other Cattle or Goods, upon which such Toll or Duty is by this Act Imposed, or upon any of the Goods and

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Chattels of ſuch Perſon or Perſons, who ought to Pay the ſame, and may Detain and Keep the ſame, until ſuch Toll or Duty, with the Reaſonable Charges of ſuch Diſtraining and Keeping, ſhall be Paid; And it ſhall and may be Lawful, to and for the Perſon or Perſons ſo Diſtraining, after the Space of Five Days after ſuch Diſtreſs Made and Taken, to Sell the Goods Diſtrained, Returning the Overplus (if any be) upon Demand, to the Owner, after ſuch Toll, Duty, and Reaſonable Charges for Diſtraining and Keeping the ſame, ſhall be Deducted and Paid.

And be it further Enacted by the Authority aforeſaid, That out of the Firſt Money Ariſing by the Profits of the ſeveral Turn-pikes to be Erected, the ſaid Truſtees, or any Five or more of them, ſhall firſt Pay and Diſcharge the Expence of Procuring this Act of Parliament, and of Erecting ſuch Turn-pike or Turn-pikes, and Building ſuch Toll-Houſe or Toll-Houſes; And from and after ſuch Charges and Expences ſhall be fully Satisfied and Paid, That then, and from thenceforth the Profits Ariſing, and the Toll to be Collected at any Turn-pike or Turn-pikes to be Erected or ſet up on the Road, Leading from the Town of Belfaſt in the County of Antrim, through the Pariſh of Carmony to the Town of Antrim, and from the Town of Randalſtown to the Ferry of Toom, in the ſaid County, ſhall be applied for and towards the Repair of the ſaid Road only, and not elſewhere.

And

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And be it further Enacted by the Authority aforesaid, That it shall and may be Lawful, to and for the Trustees in this Act before Named, first to Apply the Money Arising by the Toll due by this Act to the Repairing and Amending that part of said Road Leading from Belfast to Antrim, and when the same is Finished that then the said Trustees shall apply the Money Arising by said Toll, to the Making and Repairing that part of the Road Leading from Randalstown to Toom, and shall from such Time be at Liberty to Set up one or more Turn-pike or Turnpikes, on the said Road from Randalstown to Toom, in such Place or Places as they shall think fit.

And be it further Enacted by the Authority aforesaid, That if any Person or Persons whatsoever, Owning, Renting, or Occupying any Land near unto which any Turn-pike is to be Erected in Pursuance of this Act, shall for Gain, Reward, or otherwise permit any Person or Persons whatsoever, to Pass through any Gate, Passage, or Way, with any Coach, Berlin, Chariot, Calash, Chaise, or Chair, Waggon, Wain, Cart, Carr, or other Carriage, or Riding, or Driving any Horse, Ass, Mule, or any sort of Cattle, to avoid the Payment of the Toll hereby Appointed to be Paid, and shall be thereof Convicted, upon Oath by One or more Witness or Witnesses before the said Trustees, or any Five or more of them, or before any One or

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more Justice or Justices of the Peace, for the County wherein such Offence or Offences shall be Committed, who are hereby Impowered and Required to Administer such Oath, such Person or Persons shall Forfeit and pay to the Trustees Appointed to put this Act in Execution, the Sum of Ten Shillings, to be Levied by Distress and Sale of the Offenders Goods, by Warrant under the Hand and Seal, or under the Hands and Seals of the said Trustees, or any Five or more of them, or such Justice or Justices, Rendring the Overplus to the Owner (if any be) the Charges in Taking and Disposing of the said Goods being first deducted.

And be it further Enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, are hereby Impowered to Erect One or more Gate or Gates, Turn-pike or Turn-pikes, on the Side of the said High-way or Road, cross any Way or Lane Leading out of the said Road, and to Build a Toll-House or Toll-Houses, and there to Receive and Take such Toll as is Appointed by this Act to be Taken, so as the same does not Extend to a Double Charge, in case of passing the same Day through any other of the Turn-pikes, to be Erected by virtue of this Act, from the Road Leading from the Town of Belfast, in the County of Antrim, through the Parish of Carmony to the Town of Antrim, and from the Town of Randalstown to the Ferry of Toom in the said County.

And

And be it further Enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, at their First Meeting or any Succeeding Meeting, by Writing under their Hands and Seals, shall and may Elect, Nominate and Appoint one or more fit Person or Persons, to be Receiver or Receivers, Collector or Collectors of such Money, in the Name of such Toll or Duty as shall be Due and payable by Virtue of this Act; And also, one or more fit Person or Persons, to be Surveyor or Surveyors, or to View the Condition of the said Highway or Road, and to take care that the same be Repaired and Amended, and that the Money Arising and Expended by Virtue of this Act, be Duly Applied; And shall and may from time to time, Remove such Collectors, Receivers and Surveyors, or any, or either of them, as they shall see Occasion, and Appoint New ones, in Case of Death, or of such Removal; And such Person or Persons as is, or are Liable by this Act, to pay the said Toll or Duty, is, and are hereby Required to pay the same after the Rates aforesaid, to the said Receiver or Receivers, Collector or Collectors of the said Toll or Duty in that Behalf, from time to time Appointed as aforesaid, for Receiving the said Toll or Duty; And such Receiver or Receivers, Collector or Collectors, Surveyor or Surveyors as aforesaid, shall, upon Oath (if thereto Required) before the said Trustees, or any Five or more of them, or before One or more Justice or Jus-

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tices of the Peace, Residing near the High-way or Road aforesaid, which Oath such Trustees, or any Five or more of them, or such Justice or Justices is, and are hereby Impowered and Required to Administer, on the First Tuesday of every Month, or oftner (if Required) During the Continuance of this Act, give in a True, Exact, and Perfect Account in Writing under their respective Hands of all Money which he and they, and every, or any of them, shall to such time have Received, Paid and Disbursed by Vertue of this Act, by Reason of their respective Offices; For which Oath, no Fee or Reward shall be Taken; And in Case any Money so Received, shall Remain in their or any of their Hands, the same shall be Paid to the said Trustees, or any Five or more of them, or to such Person or Persons as they, or any Five or more of them, shall by any Writing under their Hands and Seals, Authorize and Impower to Receive the same, which shall be Disbursed and Laid out in Amending the said High-way or Road, According to the True Intent and Meaning of this Act, and not otherwise; And the said Trustees, or any Five or more of them, to whom such Account shall be given, shall and may, out of the Money Arising by the said Toll or Duty, make such Allowance to the said Receiver or Receivers, Collector or Collectors, and the Surveyor or Surveyors, for and in Consideration of his or their Care and Pains, respectively, taken in the Execution

of

of his and their Office and Offices, and to such other Person or Persons, who have been or shall be Assisting in and about procuring the said High-Ways or Roads to be Amended and Repaired, by Advancing, or Laying out any Money or otherwise Relating thereto, as to them shall seem Good; So as such Allowance or Allowances to such Collector or Collectors, do not Annually exceed Twenty Pounds, and to such Surveyor or Surveyors, any Sum not exceeding Two Shillings and Six-pence a Day, During such time or times as he or they shall be respectively Employed in the Repair of the said Roads; And so as such Allowance or Allowances to any other Person or Persons, who shall be Employed by Virtue of this Act, does not Exceed the Sum of Fifteen Pounds Yearly, to each Person; And in Case the said Receiver or Receivers, Collector or Collectors of the aforesaid Toll or Duty, Surveyor or Surveyors, or any of them, shall not make such Account and Payment unto such Person or Persons, according to the Orders and Directions of the said Trustees, or any Five or more of them, as aforesaid; That then the Justices of the Peace, at any Special Session or Meeting of them, to be holden for the County in which the said Receiver or Receivers, Collector or Collectors, Surveyor or Surveyors, have Acted and been Employed, and made such Default as aforesaid, shall, and are hereby Required and Impowered to make Inquiry, and finally to Determine, of,

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of, and Concerning such Default, as well by the Confession of the said Parties themselves, as by the Testimony of One or more Credible Witness or Witnesses upon Oath, which Oath they are hereby Impowered and Required to Administer, without Fee or Reward; And if any person or persons shall be Convicted thereof, by such Justices, the said Justices shall, upon such Conviction, Commit the Party or parties to the Common Goal of the County, where such Offence shall be committed, there to Remain without Bail or Mainprize, until he or they shall have made a True and perfect Account, and Payment as aforesaid.

And be it further Enacted by the Authority aforesaid, That it shall and may be Lawful to and for the Surveyor and Surveyors, and such person or persons as he or they shall Appoint, to Dig, Raise, Gather, Take and Carry away, any Gravel, Furze, Sand, Stones, or other Materials, out of any Waste or Common of any Parish, Town, Village, or Hamlet, in, or near which any Founderous or Ruinous places of the said High-way or Road do Lie; And for want of Sufficient Gravel, Furze, Sand, Stones, or other Materials there, to Dig, Gather, Raise, Take and Carry away the same, out of the Waste or Common of any Neighbouring Parish, Town, Village or Hamlet, without paying any thing for the same; And where there is not Sufficient of such Materials in any Common or Waste Grounds, near Adjoyning,

it

it shall and may be Lawful by Order of the said Trustees, or any Five or more of them, to Dig, Raise and Gather the same, in the several Grounds of any Person or Persons, not being Built upon, and not being a Garden, Orchard, Yard or Meadow, planted Walk or Walks, or Avenue to a House, where any such Materials are, or may be Found, and from time to time to Carry away such, and so much thereof as the said Surveyors in their respective places, shall Judge Necessary for the Amending or Repairing of the said High way or Road, paying such Rates for such Materials, to the Owner or Occupier of the Ground from whence the same shall be Digged, Raised, Gathered and Carried away, as the Trustees Appointed, or to be Appointed, to put this Act in Execution, shall Adjudge Reasonable; And in Case of any Difference Between such Owner or Occupier, and the said Trustees, Touching the Damage aforesaid, the Judges of Assize at the next General Assize and General Goal Delivery, to be holden in the County where such Materials shall be Digged, Raised or Gathered, and from whence the same shall be Carried away, may and shall Adjudge, Assess, and Finally Determine the same.

And be it further Enacted by the Authority aforesaid, That it shall and may be Lawful to and for the Surveyor or Surveyors, and such Person or Persons as he or they shall Appoint, from Time to

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Time, to Remove and Prevent Annoyances on any Part of the said High-way or Road, hereby Intended to be Repaired, by Filth, Dung, Ashes, Rubbish, Water-Courses, Sinks or Drains, Running into the said High-way or Road, and to Cleanse any Ditch or Water-courses Adjoining to the said Road, and to Cut Down, Lopp or Topp, any Trees or Bushes Growing on the said High-way, or in the Hedges or Banks Adjacent to the said High-way, and to Take and Carry away the same, the Owner or Occupier Neglecting to Cut down such Trees or Bushes, or to Remove such other Annoyances, for the Space of Ten Days, after Notice in Writing given for that purpose, under the Hands of Five of the said Trustees, the Charges whereof shall be Reimbursed the said Surveyor or Surveyors, by such Owners or Occupiers Neglecting to Cut down the said Trees or Bushes, or to Remove such other Annoyances as aforesaid; And if, after Removal of any such Annoyances, any person or persons shall again Offend in like Kind, Every such person or persons so Offending, and being thereof Convicted upon the Oath of one more Witness or Witnesses, before One or more Justice or Justices of the Peace, for the said County where such Offence shall be Committed, shall, for every such Offence, Forfeit and pay unto the said Trustees where such Offence shall be Com-

Committed, the Sum of Ten Shillings, to be Levied in manner aforesaid. CHAP. XIII.

And be it further Enacted by the Authority aforesaid, That it shall and may be Lawful to and for the said Surveyor or Surveyors, by Order of the said Trustees, or any Five or more of them, to Make, or Cause to be Made, Cause-Ways, and to Cut and Make Drains through any Grounds Lying Contiguous to the said Road, and to Erect Arches of Brick, Timber or Stone, thereupon; And also to Widen any of the Narrow Parts of the said High-Way or Road, by Opening, Clearing, and Laying into the said High-Way or Road, any Ground of any Person or Persons, Lying Contiguous to such High-Way or Road, not being built upon, and not being a Garden, Orchard, Yard, Planted Walk, or Avenue to a House; And also, to Cause Ditches or Trenches to be Made, in such Places, and in such Manner, as such Surveyor or Surveyors, by the Order of the said Trustees, or any Five or more of them, shall Adjudge Necessary, for the better Amending and Keeping of the said High-Way or Road in Good Repair, Making such Reasonable Satisfaction to the Owner or Occupier of such Ground, which shall be so Laid in, or unto the said High-Way or Road, or through which any such Drain or Drains shall be Cut, or on which any such Arch or Arches shall be Made, for the Damages which he or they shall or may thereby sustain,

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Main, as shall be Assessed and Adjudged by the next Going Judge or Judges of Assize, or by the Justices of the Peace, or the Major Part of them, at the next General Assizes, or Quarter-Sessions, to be Holden for the County in which such Grounds lye, which shall be Laid into the said High-Way or Road, or through which any such Main or Mains, Ditch or Ditches, shall be Cut or Made, or on which such Arch or Arches shall be Erected or Made, or such Cartle-ways Made, and in Case of any Difference Concerning the same; And if any Owner or Occupier of any Water-Courses, Ditch or Ditches, Adjoyning to the said High-Way or Road, shall Neglect or Refuse to Scour or Cleanse such Water-Courses, and to Make such Ditches so Deep, and in such Manner, as the Surveyor or Surveyors shall Adjudge Proper and Convenient, after Eight Days Notice shall be Given for that Purpose, by such Surveyor or Surveyors, or such Person or Persons as shall be Appointed by him or them, to such Owner or Owners, it shall and may be Lawful, to and for the Surveyor and Surveyors, to Set any Man or Men to Work, to Scour or Cleanse and Make the same, and by Warrant under the Hands and Seals of any Five or more of the said Trustees, to Levy the Charge thereof upon the Goods or Estates of the Owner or Owners, Occupier or Occupiers, of such Water-Courses, Ditch or Ditches

thes, by Diſtreſs and Sale of his, her or their Goods and Chartels, Rendering the Overplus (if any be) to the ſaid Owner or Occupier, after all Charges paid. CHAP. XIII.

And whereas the ſaid High-Way, or Road, leading from the ſaid Town of Belfaſt in the County of Antrim, through the Pariſh of Carmony, to the Town of Antrim, and from the Town of Randalſtown to the Ferry of Toom in the ſaid County, may be Conſiderably Shortened, and Made much more Convenient for Travellers, if the ſame was carried Straight, and in a Direct Line, where the ſame is now Crooked; For Remedy whereof, and that all Juſt and Reaſonable Satisfaction may be given for the Land made Uſe of in Carrying ſuch Road Straight as aforeſaid;

Be it Enacted by the Authority aforeſaid, That it ſhall and may be Lawful to and for the ſaid Truſtees, or any Nine or more of them, to Aſcertain, Deſcribe, and Set apart, ſuch a Part and Proportion of the Lands Adjoyning or Contiguous to the ſaid High-Way or Road, as they the ſaid Truſtees, or any Nine or more of them ſhall adjudge neceſſary for Carrying the ſame Streaight, and in a direct Line, Provided that no part of the ſaid Lands ſo to be Set Apart be Built on, and that the ſame be not part of any Garden, Orchard, Yard, Planted-Walk, or Avenue to a Houſe, or of a Park, or Paddock for Deer; And the

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said Trustees, or any Nine or more of them, are hereby further Authorized and Impowered to Treat and Agree with the Owners and others Interested in the said Ground, to be made use of in Carrying the said Road Straight, as aforesaid, for such Recompence and Satisfaction to be made for the same out of the Tolls and Duties arising by Virtue of this Act, as the said Trustees, or any Nine or more of them, shall think Fit and Reasonable; And in Case any Person or Persons shall Neglect or Refuse to Treat or Agree, as aforesaid, or through any Disability by non Age, Coverture, or special Limitation, in any Settlement or Settlements, or by Reason of any other Impediment cannot, or otherwise howsoever shall Refuse to Dispose of their respective Interests in such Land, as the said Trustees or any Nine or more of them, shall think Convenient, for the Shortening of the said Road; In every such Case, the said Trustees, or any Nine or more of them, are hereby Authorized and Impowered to Issue forth their Warrant or Warrants to the Sheriff or Sheriffs of the County wherein such Ground doth lye to Impannel and Return before the said Trustees, or any Nine or more of them, at such Time and Place, within the said County, as shall be Appointed in such Warrant or Warrants, a sufficient Jury, who upon their Oaths, (which said Oaths, the said Trustees, or any Nine

or

or more of them, are hereby Impowered and Required to Administer) shall Inquire into the True and Real Value of such Ground to be made Use of for the said High-Way or Road, and such Verdicts or Inquisitions as shall be so Found and Returned by the said Jury, Ascertaining the Value of such Ground, shall be Final and Conclusive, as well to the said Trustees, as to the several and respective Owners and Proprietors of such Ground, notwithstanding any such Disability or Incapacity whatsoever. And forasmuch as the Money so to be Collected, by such Receipt of the said Toll, will not at present be sufficient for the speedy Repairing of the said High-way or Road; CHAP. XIII.

Be it further Enacted by the Authority aforesaid, That the said Trustees or any Fifteen or more of them, shall and may and are hereby Impowered, from time to time, by Writing under their respective Hands and Seals, to Assign over the said Toll or Duty hereby Granted, or any part thereof (the Costs and Charges whereof are to be Born and Paid out of such Toll or Duty) for any Term or Time during the Continuance of this Act, as a Security for any Sum or Sums of Money by them to be Borrowed for that Purpose, to such Person or Persons, or their Trustees who shall Advance and Lend the same, to Secure the Repayment thereof, with Lawful Interest, or less, if the same can be so had, which said Money Borrowed,

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shall be Applied and Disposed of as the Toll or Duty is by this Act to be Applied and Disposed of, and to no other Use whatsoever.

And be it further Enacted by the Authority aforesaid, That it shall and may be Lawful to and for the said Trustees, or any Fifteen or more of them, from Time to Time, during the Continuance of this present Act, to make out Warrants or Orders in Writing, under their Hands, directed to the Treasurer or Receiver of the said Tolls, Requiring him to pay thereout, to the Person or Persons Named in such Warrant or Order, their Executors, Administrators or Assigns, the growing Interest of the Sum of Money mentioned in such Warrant or Order, as the same shall from Time to Time become due, until such Time as the Principal Sum, mentioned in such Warrant or Order, shall be paid off and Discharged at one Intire Payment: Provided that no Warrant or Order to be Issued to the said Treasurer or Receiver by Virtue of this Act, shall be for any greater Sum than Fifty Pounds.

And be it further Enacted by the Authority aforesaid, That all and every Person or Persons, to whom such Warrants or Orders shall be given, his, her, or their Executors, or Administrators, may, by Indorsements on such Orders or Receipts, Transfer the Right and Benefit of the Sum Mentioned in such Warrants or Orders; Which In-

Indorsements, upon Notice to the Treasurer or Receiver of the said Tolls, and an Entry or Memorial thereof made in a Book to be kept for that Purpose, which the said Treasurer or Receiver shall, upon Request without Charge, Fee or Reward, make accordingly, and shall, on the like Request, permit to be viewed at Reasonable Hours, without Fee or Reward, shall Intitle the Indorsee or Assignee, his, her, or their Executors, Administrators or Assigns, to the Sole Benefit of the Sum so Transferred or Assigned; and that the said Warrant or Order may in like Manner be Assigned or Transferred by such Assignee, his or her Executors or Administrators, and so toties quoties; And that after such Assignment, it shall not be in the Power of the Person or Persons, who made such Assignment, to make Void, Release or Discharge the said Assignment, or the Sum thereby Transferred or Assigned, or any part thereof. CHAP. XIII.

And be it further Enacted by the Authority aforesaid, That the Treasurer, or Receiver of the said Tolls, shall Arithmetically Number all the Warrants or Orders, which shall be Given or Delivered out in Pursuance of this Act, as they shall be delivered out, Commencing by Number One, and so continuing the Number till the Whole be Arithmetically Numbered.

And be it further Enacted by the Authority aforesaid, That the several Tolls

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and Duties hereby made Payable, over and above what shall be Sufficient to Discharge the said Interest, and Repair the said Road, shall be Applyed in Discharge of the Principal Money so Borrowed, in the Manner hereinafter Mentioned, Viz. That when, and as often as such Surplus Received by the said Treasurer or Receiver, shall Amount to the Sum of Two Hundred Pounds, Then the said Treasurer or Receiver, shall Cause the Number of all the Warrants, or Orders, which shall be Issued and Delivered out, in pursuance of this Act, and the Sums therein Contained, to be Written on several Tickets, or Pieces of Parchments and to be Rolled and Sealed up, and put into a Box or Urn, and them Mixed together, and an Indifferent Person to be Appointed by the said Trustees, or any Five or more of them, shall Publickly, between the Hours of Ten and Twelve in the Forenoon of a Day, to be by them the said Trustees or Receiver Publickly Advertised in the Dublin-Gazette, for that Purpose, at least Twenty Days before, at the Town of Belfast, Draw out of such Box or Urn, as many of the said Tickets, or Pieces of Parchment, as the Sums therein Contained shall Amount to the said Sum of Two Hundred Pounds: And the Person or Persons, the Number of whose Warrants or Orders shall be so Drawn, his or their Executors, Administrators

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strators or Assigns, shall, within Twenty Days after the said Warrants or Orders shall be Drawn, be paid by the said Treasurer or Receiver, the Principal Sums to him or them respectively due, with Interest for the same till paid, and shall, upon Payment thereof, deliver up his and their several and respective Warrants or Orders to the said Treasurer or Receiver, to be Cancelled, which he is hereby Required to Cancel accordingly, and the Interest payable by Virtue of such Warrants or Orders shall Cease from the Expiration of Twenty Days, to be accounted from the Day of Drawing the said Tickets, or pieces of Parchment.

And be it further Enacted by the Authority aforesaid, That every Person Chargeable by any Law now in being, towards Repairing the said High-Way or Road, shall Yearly, During the Continuance of this Act, Do and perform Two Days of that Work, Commonly Called The Statute-Work, which is Appointed, by the Laws now in being, for the Amending of the High-Ways in this Kingdom, in such Manner, Place and Places, being Part of the High Way hereby Intended to be Repaired, and at such Time as the Surveyor or Surveyors, to be Appointed by Virtue of this Act, shall, by Writing under his or their Hand or Hands, from Time to Time, Order and Direct, and shall not be again

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Chargeable for the same, by any Surveyor or Surveyors of the respective Parishes, or any Person whatsoever; And also, that the respective Surveyor or Surveyors, for the Time being, of all and every Parish and Parishes in which the said High-way and Road, Intended to be Repaired by this Act, lye, shall, Yearly and every Year, within Four Days after Request Made to him or them, by the Surveyor or Surveyors for the Time being, Appointed by Virtue of this Act, Give a List or an Account in Writing, under his or their Hands, of the Name or Names of all and every Person or Persons, in the said respective Parish or Parishes, (except the Parish of Antrim,) who are by the Laws now in Force, Chargeable towards the Repairing the High-ways of the respective Parishes, and what he or they is or are Chargeable with respectively for and towards the same, to the Surveyor or Surveyors Appointed, or to be Appointed by Virtue of this Act; And that the said Surveyor or Surveyors of the said Parishes shall, within Three Days next after Notice Given by the said Surveyor or Surveyors Appointed by this Act, of the Time when, and how many of the said Persons so Chargeable as aforesaid, he or they would have to Do the said Two Days Work in and upon the said Roads to be Repaired by this Act, either Summon or give Publick Notice thereof

thereof to the said Person or Persons so Chargeable as aforesaid; And if any Surveyor or Surveyors of the said Parishes respectively, shall Neglect or Refuse to Do as they are hereby Directed and Required, he or they, for every Offence, shall Forfeit and pay the Sum of Forty Shillings; And if any Person or Persons Keeping a Team, Cart, Cart or other Carriage, and Chargeable towards the Repairing the High-ways, as aforesaid, shall Neglect or Refuse to perform the said Two Days Work, in the said High-Way by this Act Intended to be Repaired, after such Summons or Publick Notice Given as aforesaid, he, or they respectively, shall Forfeit and pay the Sum of Five Shillings for each of the Two Days such Person or Persons Keeping a Team, Cart, Cart or other Carriage, shall Make Default; And if any Labourer or other Person, so Chargeable towards the Repairing the High-ways of the said Parishes, shall at any Time Neglect or Refuse, after such Summons or Publick Notice Given as aforesaid, to Do and perform the said Two Days Work, in the said High-way by this Act Intended to be Repaired, he or they shall respectively Forfeit the Sum of One Shilling for each of the said Two Days such Labourer or other Person or Persons shall make Default; All which Penalties and For- CHAP. XIII.

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feitures, by this Act Impoſed, ſhall be Levied and Recovered by Diſtreſs and Sale of any of the Offenders Goods or Chattels, by Warrant or Warrants under the Hands and Seals of the ſaid Truſtees, or any Five or more of them, upon the Information of One or more Credible Witneſs or Witneſſes upon Oath; Which Oath the ſaid Truſtees, or any Five or more of them, are hereby Impowered and Required to Adminiſter; And the ſaid Forfeitures and Penalties before-mentioned, when Recovered, after Rendring the Overplus (if any be) to the Party or Parties whoſe Goods or Chattels ſhall be ſo Diſtrained, the Charges of ſuch Diſtreſs and Sale being Firſt Deducted, ſhall Go to, and be Applied for and towards Amending the ſaid High-Way Intended by this Act to be Repaired, in like Manner as the Toll Intended by this Act, is to Go and be Applied.

Provided allways, That in Caſe there ſhall be more than one Gate or Turn-pike in, croſs, or on the Side of the ſaid High-way or Road, between the ſaid Town of Belfaſt, in the County of Antrim, through the Pariſh of Carmony to the Town of Antrim, and from the Town of Randalſtown to the Ferry of Toom in the ſaid County, No Perſon or Perſons, having paid the Toll or Duty at the Firſt Gate or Turn-pike, through which ſuch Perſon or Perſons ſhall paſs, and Producing a Note or Ticket,

ket, that the ſaid Toll or Duty was Paid, (which Note or Ticket, the Receiver or Receivers, Collector or Collectors is, and are hereby Required to give Gratis,) ſhall be Liable to Pay any Toll or Duty, at any other of the ſaid Gates or Turn-pikes, upon the ſaid High-way or Road, ſuch Perſon or Perſons Delivering the ſaid Note or Ticket to the ſaid Receiver or Receivers, Collector or Collectors of the ſaid Toll or Duty, at the Latter Gate or Turn-pike, the ſame Day; And no Perſon or Perſons having Occaſion to paſs the Place or Places, where the Toll or Duty is taken, who ſhall Return the ſame Day, upon, or with the ſame Horſe, Mare, Gelding, Aſs, Mule, Cattle, Coach, Chariot, Berlin, Chaiſe, Chair, Calaſh, Waggon, Cart, Carr, or other Carriage, ſhall be Liable or Compellable, the ſame Day, to pay the ſaid Toll or Duty, more than once, upon the ſaid Road. CHAP. XIII.

And for Preventing Frauds and Abuſes in the ſaid Toll or Duty;

Be it Enacted by the Authority aforeſaid, That if any Perſon or Perſons, having Paid the Toll or Duty by this Act Granted, and made Payable, and having ſuch Note or Ticket, Notes or Tickets, as are hereby Required, ſhall Give or Diſpoſe of the ſame to any other Perſon or Perſons, in Order to Avoid the Payment of the ſaid Toll or Duty, Every ſuch Perſon Giving, Diſpoſing or Offering, and the Perſon Receiving ſuch Note or Ticket, Notes or Tic-

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Tickets, and being thereof Convicted, upon the Oath of One or more Witness or Witnesses, before the said Trustees, or any Five or more of them, or before any One or more Justice or Justices of the Peace of the County wherein such Offence or Offences shall be Committed, (which Oath the said Trustees, and the said Justice or Justices, are hereby Impowered to Administer) shall respectively Forfeit and pay the Sum of Ten Shillings, to be Levied, Recovered, and Disposed of as any other penalty or Forfeiture is Directed to be Levied, Recovered, and Disposed of by this Act.

Provided allways, and it is hereby Declared, That during the Continuance of this Act, all Coaches, and passengers on Horseback, shall pass and Repass Toll-free, on the Day or Days on which there shall be an Election for Knight or Knights of the Shire, to Serve in Parliament for the said County of Antrim, or for any Burgess to Serve in Parliament for any Borrough in the said County; Any thing herein contained to the contrary notwithstanding.

And be it further Enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, may, and are hereby Impowered from Time to Time, as they shall see Convenient or think fit to Compound or Agree by the Year or otherwise, with any person or persons using to Travel through the Turn-pike or Turn-

pikes

pikes to be Erected by Vertue of this Act, with any Milch Cows, Horse, Mare, or Gelding, Ass or Mule, or with any Coach, Berlin, Calash, Chaise, Chair, Waggon, Cart, Carr or other Carriage, for any Sum or Sums of Money, to be paid Quarterly, from Time to Time after such Agreement shall be made. CHAP. XIII.

Provided also, and it is hereby Declared, That no Person shall be charged with any of the Tolls or Duties aforesaid, who shall pass through any of the Turnpikes to be Erected by this Act, who shall carry any Quantity of Stones, Gravel, or other Materials for Repairing the said Road, or any of the Roads, in the Parishes in which the same do lye, or in any of the neighbouring Parishes; Nor shall any Person or Persons be Chargeable with the said Toll or Duty for any Carts, Carrs or Waggons Laden with Corn in the Straw only; Nor for any Ploughs, Harrows, or other Implements of Husbandry, in Order to the Using or Repairing of the same, in the several Parishes in which the said High-ways or Road hereby intended to be Repaired do lye; Nor shall any Toll or Duty be Demanded or Taken at any of the Turn-pikes to be Erected, for any Horse, Mare, Gelding, Ass, Mule, or other Cattle going to Water, or for any Post-Horse carrying the Mail or Packet, or for such Horse as is, or shall be Used only to Ride on, by the Owner or Driver of any Waggon, Cart or Car-

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riage, Provided, such Horse Pass through the said Turn-pike or Turn-pikes, with such Waggon, Cart, or Carriage; Nor shall any Toll or Duty be Demanded or Taken for the Horses of Soldiers Passing, that are upon their March, or for Waggons, Carts, Carts, or other Carriages Attending them, or for Horses or Waggons, Carts, Carrs, or other Carriages Travelling with Vagrants sent by Passes, or with Prisoners Transmitted from one part of the Kingdom to another.

And be it further Enacted by the Authority aforesaid, That the Toll or Duty hereby Granted, shall take place and have Continuance, from and after the Second Day of June, in the Year of Our Lord, One thousand seven hundred and Forty, and for and During the Term of Forty One Years.

Provided Nevertheless, That if at any time before the Expiration of the said Term of Forty One Years, all parts of the said Road shall be Sufficiently Amended and Repaired, and so Adjudged by the Majority of the Trustees Appointed, or hereafter to be Chosen by Virtue of this Act, by an Adjudication made, and Re-payment of such Money as shall have been Advanced, and Interest for the same, and the Costs and Charges thereof; The said Tolls and Duties shall Cease and Determine; Any Thing herein Contained to the Contrary notwithstanding.

And

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And be it further Enacted by the Authority aforesaid, That for the Continuing a Sufficient Number of Able Persons to be Trustees, for Putting in Execution all and every the Powers in this Act Contained, for and During the Continuance thereof, It shall and may be Lawful to and for the said Trustees, or any Five or more of them, upon the Death of any of the said Trustees, or their Removal, or Refusing to Act in the said Trust, from time to time, and at all times hereafter, During the Term aforesaid, to Elect, Nominate and Appoint in the Room of such Trustee or Trustees so Deceased, Removed or Refusing to Act, another fit and Able Person, or so many more fit and Able Persons Living in the said County of Antrim, to be Joined with the said Trustees, in the Execution of all and every the Power and Powers in them Reposed, by Virtue of this Act; And all and every Person or Persons to be Chosen Trustee or Trustees, to Join in Putting this Act in Execution, as they are herein before Qualified to do, shall and are hereby Impowered to Act, to all Intents and Purposes, in as Full, Large, and Ample Manner, as the said Trustees are by this Act Impowered to do; And so toties quoties, as often as Occasion shall Require.

And be it further Enacted by the Authority aforesaid, That the said Trustees,

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or any Fifteen or more of them, shall Meet at the Town of Antrim, in the County of Antrim, on the First Monday in the Month of May, in the Year of our Lord, One thousand seven hundred and forty; And the said Trustees shall then Adjourn themselves, and afterwards Meet there, or at any other Place or Places near the said High-Way or Road to be Repaired, as the said Trustees, or any Five or more of them, shall think Proper and Convenient, as often as it shall be Necessary for Putting this Act in Execution; And if it shall happen, That there shall not Appear at any Meeting, which shall be Had or Held by the said Trustees, a sufficient Number of the Trustees to Act at such Meeting, and to Adjourn to any other Day, Then, and in such Case, the Clerk of the said Trustees, by Notice in Writing, to be Affixed at the respective Gates or Turn-Pikes, at least Ten Days before the next Meeting, shall Appoint the said Trustees to Meet at the House where the Meeting of the said Trustees was last Appointed to be Had, or at some other Convenient House near the said Road, on that Day Fortnight upon which such last Meeting of the said Trustees was Appointed to have been Held, and that the said Trustees, at their First Meeting, and at all other Subsequent Meetings, shall Defray their own Charges and Expences.

Provided

Provided allways, And be it further Enacted by the Authority aforesaid, That no Person or Persons Appointed, or to be Appointed by this Act a Trustee or Trustees, for Putting this Act in Execution, shall have or Accept of any Place of Profit, Arising out of, or by Reason of the Toll or Duty by this Act Laid or Granted, but such Person or Persons shall be Incapable from the time of Accepting and Continuing to Enjoy such Place of Profit, of Acting as a Trustee. CHAP. XIII.

And be it further Enacted by the Authority aforesaid, That if any Suit shall be Commenced against any Person or Persons, for any Thing done in Pursuance of this Act, That in every such Case, the Action shall be laid in the County of Antrim, and not elsewhere; And the Defendant or Defendants in such Action or Actions to be brought may plead the General Issue, and give this Act and the Special Matter in Evidence at any Tryal to be had thereupon, and that the same was done in Pursuance, and by the Authority of this Act; And if it shall Appear so to be done, or such Action or Actions shall be brought in any other County, That then the Jury shall Find for the Defendant or Defendants, and upon such Verdict, or if the Plaintiff shall be Non-Suited or Discontinue his Action after the Defendant or Defendants shall have Appeared, or if upon any Demurrer, Judgment shall be given against the Plaintiff, the Defen-

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dant or Defendants shall and may Recover Treble Costs, and have the like Remedy for the same, as any Defendant or Defendants hath or have in any other Cases by Law.

And be it further Enacted by the Authority aforesaid, That this Act shall be Deemed, Adjudged, and Taken to be a Publick Act, and shall be Judicially Taken Notice of as such, by all Judges, Justices, and other Persons, whatsoever, without specially Pleading the same.

AN

CHAP. XIV.

AN

ACT

FOR

Repairing the Road Leading from *Timohoe* in the *Queen's*-County, through *Ballynekill*, *Durrow*, *Beggars-Inn*, and from thence through the City of *Caſhell*, to the Town of *Tipperary*, in the County of *Tipperary*.

GII R

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AN

ACT

FOR

Repairing the Road Leading from *Timohoe* in the *Queen's*-County, through *Ballynekill*, *Durrow*, *Beggars-Inn*, and from thence through the City of *Caſhell*, to the Town of *Tipperary* in the County of *Tipperary*.

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WHEREAS the High-Way or Road Leading from Timohoe in the Queen's-County, through Ballynekill, Durrow, Beggars-Inn, and from thence through the City of Caſhell, to the Town of Tipperary in the County of Tipperary, by Reaſon of the ſeveral Hollow Ways, and of the many and heavy Carriages frequently paſſing through the ſame, is become ſo Ruinous and Bad, that in Winter Seaſon many Parts thereof are Impaſſible for Waggons, Carts, Carrs, and Carriages, and very Dangerous for Travellers, and cannot by the ordinary Courſe

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Appointed by the Laws and Statutes of this Realm, be Effectually Amended and Kept in good and sufficient Repair; Therefore, to the Intent that the said High-Ways and Road may with convenient Speed be Effectually Amended, and hereafter kept in Good and Sufficient Repair, so that all Persons may Travel the same with Safety;

Be it Enacted by the King's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this Present Parliament Assembled, and by the Authority of the same, That for the better Surveying, Ordering, Amending, and Keeping in Repair, the said High-Way and Road, it shall be in the Power of His Grace the most Reverend Theophilus Lord Archbishop of Cashell, the Right Honourable Richard Earl of Cavan, the Right Honourable William Lord Baron Castledurrow, the Right Honourable Sir Thomas Prendergast, Baronet, Sir John Denny-Vesey, Baronet, Sir Robert Maud, Baronet, the Honourable Henry Ponsonby, the Honourable Hayes St. Leger, the Honourable Henry Flower, Ephraim Dawson, William Henry Dawson, Pole Cosby, Hunt Welsh, John Barrington, Jonah Barrington, Colonel Humphry Bland, Nathaniel Mitchell, Thomas Fitzgerald, William Fitzgerald, John Lyon, Bowen Southwell, Warner Westenra, William Wall of Maryborough, Arthur Brereton, Robert Brereton, Bartholomew William Gilbert, Edmund Butler, Toby Caulfield, Richard St. George,

George, John Molton, Ephraim Stewart, William Trench, George St. George, Lewis Moore, James Bryan, Thomas Prior, Nehemiah Donnellan, Stephen Moore, Robert Marſhall, Robert Holmes, Thomas Armſtrong, Richard Pennefather, Henry Pritty, John Piggot, Thomas Piggot, Eſquires, William Carr-Buckworth, Matthew Jacob, Junior, Gorges Healy, John Cleare, John Lane, John Dawſon, Ambroſe Harding, Arthur Blenerhaſſet, Robert Harding, James Eſſard, James Roe, William Chadwick, Periam Poole, of Ballyſin, Maurice Cuffe, Skeffington Smith, and Henry Weſtenra, Eſquires, William Dawſon, and Samuel Higgins Clerks, John Stewart, John Doxey, William Gray, Edward Gray, Francis Cosby, and Mathew Caſſan, Gentlemen, Sir John Osburn, Baronet, John Damer, William Roe, Mathew Jacob Senior, Arthur Burdett, John Cooke, Edward Wilſon, Thomas Bunbury, William Pennefather, James Loe, Jonathan Aſhe, Hugh Baker, Andrew Roe, Robert Moore, John Roe, Lovelace Taylor, William Barker, Benjamin Bunbury, Daniel Glohan, Edward Moore, Richard Price, Richard Kiffin, Thomas Prince, James Butler, of Ballyragget, and Frederick Trench, Eſquires, Captain Abel Warren, Francis Flood, of Tantower, Charles Jackſon, and Thomas Bedford Clerks, Richard Hyde, Richard Lockwood, and John Grace, Eſquires, the Sovereign of Ballynekill for the time being, Robert Lawrenſon, Bartholomew Evans, John Ridgway, of Ballycaroll, William Ridgway, of Mountmelick, Joſhua Strongman Senior, of Mountmelick, Joſhua Strongman Junior, of Mountmelick, William Jones, William Ruſſel, Andrew

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Andrew Roe Junior, Richard Shaw, John Hoops, Rodolphus Hobbs, Walter Baker, and John Colepoys, Gentlemen, and the Survivors of them be, and are hereby Nominated and Appointed Trustees of the said Road, and they or any Fifteen or more of them, or such Person or Persons as they, or any Fifteen or more of them, shall Authorize and Appoint, shall and may Erect, or Cause to be Erected one or more Gate or Gates, Turn-pike or Turn-pikes in, upon or across any Part or Parts of the said High-Way and Road, and also a Toll-House or Toll-Houses, and there shall Receive and Take the Tolls and Duties following, before any Horse, Mare, Gelding, Cattle, Coach, Berlin, Chariot, Calash, Chaise, Chair, Waggon, Wain, Cart, Carr, or other Carriage, shall be permitted to pass thro' the same, viz. For every Coach, Berlin, Chariot, Calash, Chaise, or Chair, Drawn by Six Horses, Geldings or Mares, the Sum of One Shilling and Six Pence; And for every Coach, Berlin, Chariot, Calash, Chaise, or Chair, Drawn by any Lesser Number of Horses, Geldings, or Mares, than Six, and more than Two, One Shilling; For every Coach, Berlin, Chariot, Calash, Chaise, or Chair, Drawn with Two Horses, Geldings, or Mares, Six Pence; For every Waggon, Wain, Cart, or Carriage with Four Wheels, the Sum of Ten Shillings; For every Wain, Cart, or Carriage, with Two Wheels,

Wheels, Drawn by more than Two Horſes, Mares, or Geldings, or Oxen, the Sum of Two Shillings and Six Pence; For every Cart, or other Carriage, Drawn with Two Horſes, Geldings, or Mares, the Sum of Four Pence; For every Carriage commonly called a Chair or Chaiſe, with One Horſe, Mare or Gelding, the Sum of Four Pence; For every Cart, or other Carriage, Drawn but by One Horſe, Mare, or Gelding, the Sum of Two Pence, excepting Carrs laden with Turf, and for each of them One Penny; And for every Horſe, Mare, Gelding, Mule, or Aſs, Laden or Unladen, and not Drawing, One Penny; For every Drove of Oxen or Neat Cattle, the Sum of One Shilling and Eight Pence per Score, and ſo in Proportion for any greater or leſſer Number; For every Drove of Calves, Hogs, Sheep, or Lambs, the Sum of Ten Pence per Score, and ſo in Proportion for any greater or leſſer Number; Which ſaid reſpective Sum and Sums of Money ſhall be Demanded and Taken in the Name of, or as a Toll or Duty, and the Money ſo to be Raiſed as aforeſaid, is, and ſhall hereby be Veſted in the ſaid Truſtees; And the ſame, and every part thereof, ſhall be Paid, Applied, and Diſpoſed of, and be Aſſigned to, and for the ſeveral Uſes, Intents and Purpoſes, and in ſuch Manner as is herein after Mentioned and Directed; And the ſaid Truſtees, or any Five or more of them, are hereby Impowered by CHAP. XIV.

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themselves, or any Person or Persons by them, or any Five or more of them, under their Hands and Seals, thereunto Authorized, to Levy the Toll or Duty hereby Required to be Paid, upon any Person or Persons, who shall, after Demand Made thereof, Neglect or Refuse to pay the same, by Distress of any Horse or other Cattle or Goods, upon which such Toll or Duty is by this Act Imposed, or upon any of the Goods and Chattels of such Person or Persons, who ought to pay the same, and may Detain and Keep the same, until such Toll or Duty, with the Reasonable Charges of such Distraining and Keeping, shall be Paid; And it shall and may be Lawful, to and for the Person or Persons so Distraining, after the Space of Five Days after such Distress Made and Taken, to Sell the Goods Distrained, Returning the Overplus (if any be) upon Demand, to the Owner, after such Toll, Duty, and Reasonable Charges for Distraining and Keeping the same, shall be Deducted and Paid.

And be it further Enacted by the Authority aforesaid, That out of the First Money Arising by the Profits of the several Turn-pikes to be Erected, the said Trustees, or any Five or more of them, shall first Pay and Discharge the Expence of Procuring this Act of Parliament, and of Erecting such Turn-pike or Turn-pikes, and Building such Toll-House or Toll-Houses; And from and after such Charges and Expences shall be fully Satisfied and Paid,

That

That then, and from thenceforth the Profits Arising, and the Toll to be Collected at any Turn-pike or Turn-pikes to be Erected or set up on the Road, Lead-from Timohoe in the Queen's-County, through Ballynekill, Durrow, Beggars-Inn, and from thence through the City of Cashell, to the Town of Tipperary, in the County of Tipperary, shall be applied for and towards the Repair of the said Road only, and not elsewhere. CHAP. XIV.

And be it further Enacted by the Authority aforesaid, That if any Person or Persons whatsoever, Owning, Renting, or Occupying any Land near unto which any Turn-pike is to be Erected in Pursuance of this Act, shall for Gain, Reward, or otherwise permit any Person or Persons whatsoever, to pass through any Gate, Passage, or Way, with any Coach, Berlin, Chariot, Calash, Chaise, or Chair, Waggon, Wain, Cart, Carr, or other Carriage, or Riding, or Driving any Horse, Ass, Mule, or any sort of Cattle, to avoid the Payment of the Toll hereby Appointed to be Paid, and shall be thereof Convicted, upon Oath by One or more Witness or Witnesses before the said Trustees, or any Five or more of them, or before any One or more Justice or Justices of the Peace, for the County wherein such Offence or Offences shall be Committed, who are hereby Impowered and Required to Administer such Oath, such Person or Persons shall Forfeit and Pay to the Trustees Appoint-

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ed to put this Act in Execution, the Sum of Ten Shillings, to be Levied by Diſtreſs and Sale of the Offenders Goods, by Warrant under the Hand and Seal, or under the Hands and Seals of the ſaid Truſtees, or any Five or more of them, or ſuch Juſtice or Juſtices, Rendring the Overplus (if any be) the Charges in Taking and Diſpoſing of the ſaid Goods being firſt deducted.

And be it further Enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Five or more of them, are hereby Impowered to Erect One or more Gate or Gates, Turn-pike or Turn-pikes, on the Side of the ſaid High-way or Road, croſs any Way or Lane Leading out of the ſaid Road, and to Build a Toll-Houſe or Toll-Houſes, and there to Receive and Take ſuch Toll as is Appointed by this Act to be Taken, ſo as the ſame does not Extend to a Double Charge, in caſe of Paſſing the ſame Day through any other of the Turn-pikes, to be Erected by virtue of this Act, from the Road Leading from Timohoe in the Queen's-County, through Ballynekill, Durrow, Beggars-Inn, and from thence through the City of Caſhell, to the Town of Tipperary, in the County of Tipperary.

And be it further Enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Fifteen or more of them, at their Firſt Meeting by Writing under their Hands and Seals, ſhall and may Elect, Nominate and Appoint one or more fit Perſon

person or Persons, to be Receiver or Receivers, Collector or Collectors of such Money, in the Name of such Toll or Duty as shall be Due and payable by Virtue of this Act; And also, one or more fit person or Persons, to be Surveyor or Surveyors, to Mend the Condition of the said Highway or Road, and to take care that the same be Repaired and Amended, and that the Money Arising and Expended by Virtue of this Act, be Duly Applied; And shall and may from time to time, Remove such Collectors, Receivers and Surveyors, or any, or either of them, as they shall see Occasion, and Appoint Others, in Case of Death, or of such Removal; And such person or persons as is, or are Liable by this Act, to pay the said Toll or Duty, is, and are hereby Required to Pay the same after the Rates aforesaid, to the said Receiver or Receivers, Collector or Collectors of the said Toll or Duty, in that Behalf from time to time Appointed as aforesaid, for Receiving the said Toll or Duty; And such Receiver or Receivers, Collector or Collectors, Surveyor or Surveyors as aforesaid, shall, upon Oath (if thereto Required) before the said Trustees, or any Five or more of them, or before One or more Justice or Justices of the Peace, Residing near the Highway or Road aforesaid, (which Oath such Trustees, or any Five or more of them, or such Justice or Justices is, and are hereby Impowered and Required to Administer) on the First Tuesday of every Month, or oftner

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if Required) During the Continuance of this Act, give in a True, Exact, and Perfect Account in Writing under their respective Hands of all the Money which he and they, and every, or any of them, shall to such time have Received, Paid and Disbursed by Virtue of this Act, by Reason of their respective Offices; For which Oath, no Fee or Reward shall be Taken; And in Case any Money so Received, shall Remain in their or any of their Hands, the same shall be paid to the said Trustees, or any Five or more of them, or to such Person or Persons as they, or any Five or more of them, shall by any Writing under their Hands and Seals, Authorize and Impower to Receive the same, which shall be Disbursed and Laid out in Amending the said High-way or Road, According to the True Intent and Meaning of this Act, and not otherwise; And the said Trustees, or any Five or more of them, to whom such Account shall be given, shall and may, out of the Money Arising by the said Toll or Duty, make such Allowance to the said Receiver or Receivers, Collector or Collectors, and the Surveyor or Surveyors, for and in Consideration of his or their Care and Pains, respectively, taken in the Execution of his and their Office and Offices, and to such other Person or Persons, who have been or shall be Assisting in and about Procuring the said High-ways or Roads to be Amended and Repaired, by Advancing, or Laying out any Money or other-

wise

wiſe Relating thereunto, as to them ſhall ſeem Good; So as ſuch Allowance or Allowances to ſuch Collector or Collectors, do not Annually exceed Twenty Pounds, and to ſuch Surveyor or Surveyors, any Sum not exceeding Two Shillings and Six-pence a Day, During ſuch time or times as he or they ſhall be reſpectively Employed in the Repair of the ſaid Roads; And ſo as ſuch Allowance or Allowances to any other Perſon or Perſons, who ſhall be Employed by Virtue of this Act, does not Exceed the Sum of Fifteen Pounds Yearly, to each Perſon; And in Caſe the ſaid Receiver or Receivers, Collector or Collectors of the aforeſaid Toll or Duty, Surveyor or Surveyors, or any of them, ſhall not make ſuch Account and Payment unto ſuch Perſon or Perſons, according to the Orders and Directions of the ſaid Truſtees, or any Five or more of them, as aforeſaid, That then the Juſtices of the Peace, at any Special Seſſion or Meeting of them to be holden for the County in which the ſaid Receiver or Receivers, Collector or Collectors, Surveyor or Surveyors, have Acted and been Employed, and made ſuch Default as aforeſaid, ſhall, and are hereby Required and Impowered to make Inquiry, and Finally to Determine, of, and Concerning ſuch Default, as well by the Confeſſion of the ſaid Parties themſelves, as by the Teſtimony of One or more Credible Witneſs or Witneſſes upon Oath, which Oath they are hereby Impowered and Required to Adminiſter, without Fee

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of Reward; And if any person or persons shall be Convicted thereof, by such Justices, the said Justices shall, upon such Conviction, Commit the party or parties to the Common Gaol of the County, where such Offence shall be committed, there to Remain without Bail or Mainprize, until he or they shall have made a True and perfect Account, and Payment as aforesaid.

And be it further Enacted by the Authority aforesaid, That it shall and may be Lawful to and for the Surveyor and Surveyors, and such person or persons as he or they shall Appoint, to Dig, Raise, Gather, Take and Carry away, any Gravel, Furze, Sand, Stones, or other Materials, out of any Waste or Common of any Parish, Town, Village, or Hamlet, in, or near which any Forthcoming or Remote Places of the said Highway or Road to be Re-, And for want of Sufficient Gravel, Furze, Sand, Stones, or other Materials there, to Dig, Gather, Raise, Take and Carry away the same, out of the Waste or Common of any Neighbouring Parish, Town, Village or Hamlet, without Paying any thing for the same; And where there is not Sufficient of such Materials in any Common or Waste Ground, near Adjoyning, it shall and may be Lawful by Order of the said Trustees, or any Five or more of them, to Dig, Raise and Gather the same, in the several Grounds of any person or persons, not being Built upon, and not being a Garden, Orchard, yard or

Meadow,

Meadow, planted Walk or Walks, or Avenue to a House, where any such Materials are, or may be found, and from time to time to Carry away such, and so much thereof as the said Surveyors in their respective Places, shall Judge Necessary for the Amending and Repairing of the said High-way or Road, paying such Rates for such Materials, to the Owner or Occupier of the Ground from whence the same shall be Digged, Raised, Gathered and Carried away, as the Trustees Appointed, or to be Appointed, to put this Act in Execution, shall Adjudge Reasonable; And in Case of any Difference Between such Owner or Occupier, and the said Trustees, Touching the Damage aforesaid, the Judges of Assize at the next General Assizes and General Goal Delivery, to be holden in the County where such Materials shall be Digged, Raised or Gathered, and from whence the same shall be Carried away, may and shall Adjudge, Assess, and Finally Determine the same. CHAP. XIV.

And be it further Enacted by the Authority aforesaid, That it shall and may be Lawful to and for the Surveyor or Surveyors, and such Person or Persons as he or they shall Appoint, from Time to Time, to Remove and Prevent Annoyances on any Part of the said High-way or Road, hereby Intended to be Repaired, by Filth, Dung, Ashes, Rubbish, Water-Courses, Sinks or Drains, Running into the said High-way or Road, and to

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Cleanse any Ditch or Water-courses Adjoining to the said Road, and to Cut Down, Lopp or Topp, any Trees or Bushes Growing on the said High-way, or in the Hedges or Banks Adjacent to the said High-way, and to Take and Carry away the same, the Occupier Neglecting to Cut down such Trees or Bushes, or to Remove such other Annoyances, for the Space of Ten Days, after Notice in Writing given for that purpose, under the Hands of Five of the said Trustees, the Charges whereof shall be Reimbursed the said Surveyor or Surveyors, by such Owners or Occupiers Neglecting to Cut down the said Trees or Bushes, or to Remove such other Annoyances as aforesaid; And if, after Removal of any such Annoyances, any Person or Persons shall again Offend in like Kind, Every such Person or Persons so Offending, and being thereof Convicted upon the Oath of one more Witness or Witnesses, before One or more Justice or Justices of the Peace, of the said County where such Offence shall be Committed, shall, for every such Offence, Forfeit and Pay unto the said Trustees where such Offence shall be Committed, the Sum of Ten Shillings, to be Levied in manner aforesaid.

And be it further Enacted by the Authority aforesaid, That it shall and may be Lawful to and for the said Surveyor or Surveyors, by Order of the said Trustees, or any Five or more of them, to

Make,

Make, or Cause to be Made, Cause-ways, and to Cut and Make Drains through any Grounds Lying Contiguous to the said Road, and to Erect Arches of Brick, Timber or Stone, thereupon; And also to Widen any of the Narrow parts of the said High-Way or Road, by Opening, Clearing, and Laying into the said High-Way or Road, any Ground of any Person or Persons, Lying Contiguous to such High-Way or Road, not being built upon, and not being a Garden, Orchard, planted Walk, or Avenue to a House; And also, to Cause Ditches or Trenches to be Made, in such Places, and in such Manner, as such Surveyor or Surveyors, by Order of the said Trustees, or any Five or more of them, shall Adjudge Necessary, for the better Amending and Keeping the said High-Way or Road in Good Repair, Making such Reasonable Satisfaction to the Owner or Occupier of such Ground, which shall be so Laid in, or unto the said High-Way or Road, or through which any such Drain or Drains shall be Cut, or on which any such Arch or Arches shall be Made, for the Damages which he or they shall or may thereby sustain, as shall be Assessed and Adjudged by the next Going Judge or Judges of Assize, or by the Justices of the Peace, or the Major part of them, at the next General Assizes, or Quarter-Sessions, to be Holden for the County in which such Grounds lye, which shall be Laid into the CHAP. XIV.

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said High-Way or Road, or through which any such Drain or Drains, Ditch or Ditches, shall be Cut or Made, or on which such Arch or Arches shall be Erected or Made, or such Cause-ways Made, in Case of any Difference Concerning the same; And if any Owner or Occupier of any Water-Courses, Ditch or Ditches, Adjoyning to the said High-Way or Road, shall Neglect or Refuse to Scour or Cleanse such Water-Courses, and to Make such Ditches so Deep, and in such Manner, as the Surveyor or Surveyors shall Adjudge Proper and Convenient, after Eight Days Notice shall be Given for that Purpose, by such Surveyor or Surveyors, or such Person or Persons as shall be Appointed by him or them, to such Owner or Owners, it shall and may be Lawful, to and for the Surveyor and Surveyors, to Set any Man or Men to Work, to Scour or Cleanse and Make the same, and by Warrant under the Hands and Seals of any Five or more of the said Trustees, to Levy the Charge thereof upon the Goods or Estates of the Owner or Owners, Occupier or Occupiers, of such Water-Courses, Ditch or Ditches, by Distress and Sale of his, her or their Goods and Chattels, Rendering the Overplus (if any be) to the said Owner or Occupier, after all Charges Paid.

And in Order to Prevent any Disputes that may Arise, Touching what Part of the Roads intended to be Repaired by this Act,

Act, ſhall be firſt Amended and Paid for: It is hereby Declared and Enacted by the Authority aforeſaid, That the Truſtees Appointed or to be Appointed, to put this Act in Execution, ſhall, and they are hereby Authorized and Required to Order and Direct, that the Amending of the ſaid Roads, be firſt begun from Timohoe, and ſo to be Continued through the Town of Durrow, in the County of Kilkenny, and from thence onwards to the Bounds of the County of Tipperary, and that the ſame ſhall be firſt Repaired, Amended, Finiſhed and Paid for, before any other Part of the ſaid Roads, ſhall be begun to be Repaired or Amended. CHAP. XIV.

And whereas the ſaid High-Way or Road, Leading from Timohoe in the Queen's-County, through Ballynekill, Durrow, Beggars-Inn, and from thence through the City of Caſhell, to the Town of Tipperary, in the County of Tipperary, may be Conſiderably Shortened, and Made much more Convenient for Travellers, if the ſame was carried Straight, and in a Direct Line, where the ſame is now Crooked; For Remedy whereof, and that all Juſt and Reaſonable Satisfaction may be given for the Land made Uſe of in Carrying ſuch Road Straight as aforeſaid;

Be it Enacted by the Authority aforeſaid, That it ſhall and may be Lawful, to and for the ſaid Truſtees, or any Nine or more of them, to Aſcertain, De-

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ſcribe, and Set Apart, ſuch a part and Proportion of the Lands Adjoyning or Contiguous to the ſaid High-Way or Road, as they the ſaid Truſtees, or any Nine or more of them, ſhall adjudge neceſſary for Carrying the ſame Straight, and in a direct Line; Provided that no Part of the ſaid Lands ſo to be Set Apart be Built on, and that the ſame be not part of any Garden, Orchard, Yard, Planted-Walk, or Avenue to a Houſe, or of a Park, or Paddock for Deer; And the ſaid Truſtees, or any Nine or more of them, are hereby further Authorized and Impowered to Treat and Agree with the Owners and others Intereſted in the ſaid Ground, to be made uſe of in Carrying the ſaid Road Straight, as aforeſaid, for ſuch Recompence and Satisfaction to be made for the ſame out of the Tolls and Duties ariſing by Virtue of this Act, as the ſaid Truſtees, or any Nine or more of them, ſhall think Fit and Reaſonable; And in Caſe any Perſon or Perſons ſhall Neglect or Refuſe to Treat or Agree, as aforeſaid, or through any Diſability by non Age, Coverture, or ſpecial Limitation, in any Settlement or Settlements, or by Reaſon of any other Impediment cannot, or otherwiſe howſoever ſhall Refuſe to Diſpoſe of their reſpective Intereſts in ſuch Land, as the ſaid Truſtees, or any Nine or more of them, ſhall think Convenient, for the Shortening of the ſaid Road; In every ſuch

such Case, the said Trustees, or any Nine or more of them, are hereby Authorized and Impowered to Issue forth their Warrant or Warrants to the Sheriff or Sheriffs of the County wherein such Ground doth lye, to Impannel and Return before the said Trustees, or any Nine or more of them, at such Time and Place, within the said County, as shall be Appointed in such Warrant or Warrants, a sufficient Jury, who upon their Oaths (which said Oaths, the said Trustees, or any Nine or more of them, are hereby Impowered and Required to Administer) shall Inquire into the True and Real Value of such Ground to be made Use of for the said High-Way or Road, and such Verdicts or Inquisitions as shall be so Found and Returned by the said Jury, Ascertaining the Value of such Ground, shall be Final and Conclusive, as well to the said Trustees, as to the several and respective Owners and Proprietors of such Ground, notwithstanding any such Disability or Incapacity whatsoever. And forasmuch as the Money so to be Collected, by such Receipt of the said Toll, will not at present be sufficient for the speedy Repairing of the said High-way or Road; CHAP. XIV.

Be it further Enacted by the Authority aforesaid, That the said Trustees, or any Fifteen or more of them, shall and may, and are hereby Impowered, from time to time, by Writing under their respective Hands and Seals, to Assign over the said

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Toll or Duty hereby Granted, or any part thereof (the Costs and Charges whereof are to be Born and paid out of such Toll or Duty) for any Term or Time during the Continuance of this Act, as a Security for any Sum or Sums of Money by them to be Borrowed for that purpose, to such Person or Persons, or their Trustees, who shall Advance and Lend the same, to Secure the Repayment thereof, with Lawful Interest, or less, if the same can be so had, which said Money Borrowed, shall be Applied and Disposed of as the Toll or Duty is by this Act to be Applied and Disposed of, and to no other Use whatsoever.

And be it further Enacted by the Authority aforesaid, That it shall and may be Lawful, to and for the said Trustees, or any Fifteen or more of them, from Time to Time, during the Continuante of this present Act, to make out Warrants or Orders in Writing, under their Hands, directed to the Treasurer or Receiver of the said Tolls, Requiring him to pay thereout, to the Person or Persons Named in such Warrant or Order, their Executors, Administrators or Assigns, the growing Interest of the Sum of Money mentioned in such Warrant or Order, as the same shall from Time to Time become due, until such Time as the Principal Sum, mentioned in such Warrant or Order, shall be paid off and Discharged at one Intire Payment: Provided that no Warrant or Order to be

be Issued to the said Treasurer or Receiver by Virtue of this Act, shall be for any greater Sum than Fifty Pounds. CHAP. XIV.

And be it further Enacted by the Authority aforesaid, That all and every Person or Persons, to whom such Warrants or Orders shall be given, his, her, or their Executors, or Administrators, may, by Indorsements on such Orders or Receipts, transfer their Right and Benefit of the Sum Mentioned in such Warrants or Orders: Which Indorsements, upon Notice to the Treasurer or Receiver of the said Tolls, and an Entry or Memorial thereof made in a Book to be kept for that Purpose, which the said Treasurer or Receiver shall, upon Request without Charge, Fee or Reward, make accordingly, and shall, on the like Request, permit to be viewed at Reasonable Hours, without Fee or Reward, shall Intitle the Indorsee or Assignee, his, her, or their Executors, Administrators or Assigns, to the Sole Benefit of the Sum so Transferred or Assigned; and that the said Warrant or Order may in like Manner be Assigned or Transferred by such Assignee, his or her Executors or Administrators, and so toties quoties; And that after such Assignment, it shall not be in the Power of the Person or Persons, who made such Assignment, to make Void, Release or Discharge the said Assignment, or the Sum thereby Transferred or Assigned, or any part thereof.

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And be it further Enacted by the Authority aforesaid, That the Treasurer, or Receiver of the said Tolls, shall Arithmetically Number all the Warrants or Orders, which shall be Given or Delivered out in Pursuance of this Act, as they shall be delivered out, Commencing by Number One, and so continuing the Number till the Whole be Arithmetically Numbered.

And be it further Enacted by the Authority aforesaid, That the several Tolls and Duties hereby made Payable, over and above what shall be Sufficient to Discharge the said Interest, and Repair the said Road, shall be Applyed in Discharge of the Principal Money so Borrowed, in the Manner hereinafter Mentioned, Viz. That when, and as often as such Surplus, Received by the said Treasurer or Receiver, shall Amount to the Sum of Two Hundred Pounds, Then the said Treasurer or Receiver, shall Cause the Number of all the Warrants, or Orders, which shall be Issued and Delivered out, in Pursuance of this Act, and the Sums therein Contained, to be Written on several Tickets, or Pieces of Parchment, and to be Rolled and Sealed up, and put in a Box or Urn, and well Mixed together, and an Indifferent Person to be Appointed by the said Trustees, or any Five or more of them, shall Publickly, between the Hours of Ten and Twelve in the Forenoon of a Day, to be

be by the ſaid Truſtees or Receiver publickly Adverriſed in the Dublin-Gazette, for that purpoſe, at leaſt Twenty Days before, at the Town of Durrow, Drawn out of ſuch Box or Urn, as many of the ſaid Tickets, or Pieces of Parchment, as the Sums therein Contained ſhall Amount to the ſaid Sum of Two Hundred Pounds; And the Perſon or Perſons, the Number of whoſe Warrants or Orders ſhall be ſo Drawn, his or their Executors, Adminiſtrators or Aſſigns, ſhall, within Twenty Days after the ſaid Warrants or Orders ſhall be Drawn, be paid by the ſaid Treaſurer or Receiver, the Principal Sums to him or them reſpectively due, with Intereſt for the ſame till Paid, and ſhall, upon Payment thereof, Deliver up his and their ſeveral and reſpective Warrants or Orders to the ſaid Treaſurer or Receiver, to be Cancelled, which he is hereby Required to Cancel accordingly, and the Intereſt payable by Virtue of ſuch Warrants or Orders, ſhall Ceaſe from the Expiration of Twenty Days, to be accounted from the Day of Drawing the ſaid Tickets, or Pieces of Parchment. CHAP. XIV.

And be it further Enacted by the Authority aforeſaid, That every Perſon Chargeable, by any Law now in being, towards Repairing the ſaid High-Way or Road, ſhall Yearly, During the Continuance of this Act, Do and Perform Two Days of that Work, Commonly Called The Statute-Work, which is

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Appointed, by the Laws now in being, for the Amending of the High-Ways in this Kingdom, in such Manner, Place and Places, being Part of the High-Way hereby Intended to be Repaired, and at such Time as the Surveyor or Surveyors, to be Appointed by Virtue of this Act, shall, by Writing under his or their Hand or Hands, from Time to Time, Order and Direct, and shall not be again Chargeable for the same, by any Surveyor or Surveyors of the respective Parishes, or any Person whatsoever; And also, that the respective Surveyor or Surveyors, for the Time being, of all and every Parish and Parishes in which the said High-way and Road, Intended to be Repaired by this Act, lye, shall, Yearly and every Year, within Four Days after Request Made to him or them, by the Surveyor or Surveyors for the Time being, Appointed by Virtue of this Act, Give a List or an Account in Writing, under his or their Hands, of the Name or Names of all and every Person or Persons, in the said respective Parish or Parishes, who are by the Laws now in Force, Chargeable towards the Repairing the High-ways of the respective Parishes, and what he or they is or are Chargeable with respectively for and towards the same, to the Surveyor or Surveyors Appointed, or to be Appointed by Virtue of this Act; And that the said Surveyor or Surveyors of the said Parishes shall, within Three Days next

next after Notice Given by the said Surveyor or Surveyors Appointed by this Act, of the Time when, and how many of the said persons so Chargeable as aforesaid, he or they would have to Do the said Two Days Work in and upon the said Roads to be Repaired by this Act, either Summon or give publick Notice thereof to the said person or persons so Chargeable as aforesaid; And if any Surveyor or Surveyors of the said parishes respectively, shall Neglect or Refuse to Do as they are hereby Directed and Required, he or they, for every Offence, shall forfeit and pay the Sum of Forty Shillings; And if any person or persons Keeping a Team, Cart, Carr or other Carriage, and Chargeable towards the Repairing the High-ways, as aforesaid, shall Neglect or Refuse to Do and perform the said Two Days Work, in the said High-Way by this Act Intended to be Repaired, after such Summons or publick Notice Given as aforesaid, he, or they respectively, shall forfeit and pay the Sum of Five Shillings for each of the Two Days such person or persons Keeping a Team, Cart, Carr or other Carriage, shall Make Default; And if any Labourer or other person, so Chargeable towards the Repairing the High-ways of the said parishes, shall at any Time Neglect or Refuse, after such Summons or publick Notice Given as aforesaid, to Do and

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perform the said Two Days Work, in the said High-way by this Act Intended to be Repaired, he or they shall respectively Forfeit the Sum of One Shilling for each of the said Two Days such Labourer or other Person or Persons shall make Default; All which Penalties and Forfeitures, by this Act Imposed, shall be Levied and Recovered by Distress and Sale of any of the Offenders Goods or Chattels, by Warrant or Warrants under the Hands and Seals of the said Trustees, or any Five or more of them, upon the Information of One or more Credible Witness or Witnesses upon Oath; Which Oath the said Trustees, or Five or more of them, are hereby Impowered and Required to Administer; And the said Forfeitures and Penalties before-mentioned, when Recovered, after Rendring the Overplus (if any be) to the Party or Parties whose Goods or Chattels shall be so Distrained, the Charges of such Distress and Sale being First Deducted, shall Go to, and be Applied for and towards the Amending the said High-Way Intended by this Act to be Repaired, in like Manner as the Toll Intended by this Act, is to Go and be Applied.

Provided always, That in Case there shall be more than one Gate or Turn-pike in, cross, or on the Side of the said High-way or Road, between the said Town of Timohoe in the Queen's-County, through Ballynekill, Durrow, Beggars-Inn, and from

thence through the City of Caſhell, to the Town of Tipperary, in the County of Tipperary, No Perſon or Perſons, having Paid the Toll or Duty at the Firſt Gate or Turnpike, through which ſuch Perſon or Perſons ſhall paſs, and Producing a Note or Ticket, that the ſaid Toll or Duty was Paid, (which Note or Ticket, the Receiver or Receivers, Collector or Collectors is, and are hereby Required to give Gratis) ſhall be Liable to Pay any Toll or Duty, at any other of the ſaid Gates or Turn-pikes, upon the ſaid High-way or Road, ſuch Perſon or Perſons Delivering the ſaid Note or Ticket to the ſaid Receiver or Receivers, Collector or Collectors of the ſaid Toll or Duty, at the Latter Gate or Turn-pike, the ſame Day; And no Perſon or Perſons having Occaſion to paſs the Place or Places, where the Toll or Duty is taken, who ſhall Return the ſame Day, upon, or with the ſame Horſe, Mare, Gelding, Aſs, Mule, Cattle, Coach, Chariot, Berlin, Chaiſe, Chair, Calaſh, Waggon, Cart, Carr, or other Carriage, ſhall be Liable or Compellable, the ſame Day, to Pay the ſaid Toll or Duty, more than once, upon the ſaid Road. CHAP. XIV.

And for Preventing Frauds and Abuſes in the ſaid Toll or Duty;

Be it Enacted by the Authority aforeſaid, That if any Perſon or Perſons, having Paid the Toll or Duty by this Act Granted, and made Payable, and having ſuch Note or Ticket, Notes or Tickets, as

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are hereby Required, shall Give or Dispose of the same to any other Person or Persons, in Order to Avoid the Payment of the said Toll or Duty, Every such Person Giving, Disposing or Offering, and the Person Receiving such Note or Ticket, Notes or Tickets, and being thereof Convicted, upon the Oath of One or more Witness or Witnesses, before the said Trustees, or any Five or more of them, or before any One or more Justice or Justices of the Peace of the County wherein such Offence or Offences shall be Committed (which Oath the said Trustees, and the said Justice or Justices, are hereby Impowered to Administer) shall respectively Forfeit and pay the Sum of Ten Shillings, to be Levied, Recovered, and Disposed of as any other Penalty or Forfeiture is Directed to be Levied, Recovered, and Disposed of by this Act.

Provided allways, and it is hereby Declared, That during the Continuance of this Act, all Coaches, and Passengers on Horseback, shall Pass and Repass Toll-free, on the Day or Days on which there shall be an Election for Knight or Knights of the Shire, to Serve in Parliament for the said Queen's-County, the County of Killkenny, and the County of Tipperary, or for any Burgess to Serve in Parliament for any Borrough in the said Counties; Any thing herein contained to the contrary notwithstanding.

And

And be it further Enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, may, and are hereby Impowered from Time to Time, as they shall see Convenient or think fit to Compound or Agree by the Year or otherwise, with any Person or Persons using to Travel through the Turn-pike or Turnpikes to be Erected by Virtue of this Act, with any Milch Cows, Horse, Mare, or Gelding, Ass or Mule, or with any Coach, Berlin, Calash, Chaise, Chair, Waggon, Cart, Carr or other Carriage, for any Sum or Sums of Money, to be Paid Quarterly, from Time to Time after such Agreement shall be made.

Provided, and it is hereby Declared, That no Person shall be charged with any of the Tolls or Duties aforesaid, who shall pass through any of the Turnpikes to be Erected by this Act, who shall carry any Quantity of Stones, Gravel, or other Materials for Repairing the said Road, or any of the Roads, in the Parishes in which the same do lye, or in any of the neighbouring Parishes; Nor shall any Person or Persons be Chargeable with the said Toll or Duty for any Carts, Carrs or Waggons Laden with Corn in the Straw only; Nor for any Ploughs, Harrows, or other Implements of Husbandry, in Order to the Using or Repairing of the same, in the several Parishes in which the said High-Way or Road here-

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by intended to be Repaired do lye; Nor shall any Toll or Duty be Demanded or Taken at any of the Turn-pikes to be Erected, for any Horse, Mare, Gelding, Ass, Mule, or other Cattle going to Water, or for any Post-Horse carrying the Mail or Packet, or for such Horse as is, or shall be Used only to Ride on, by the Owner or Driver of any Waggon, Cart or Carriage, Provided, such Horse Pass through the said Turn-pike or Turn-pikes, with such Waggon, Cart, or Carriage; Nor shall any Toll or Duty be Demanded or Taken for the Horses of Soldiers Passing, that are upon their March, or for Waggons, Carts, Carrs, or other Carriages Attending them, or for Horses, Waggons, Carts, Carrs, or other Carriages Travelling with Warrants sent by Passes, or with Prisoners Transmitted from one part of the Kingdom to another.

And be it further Enacted by the Authority aforesaid, That the Toll or Duty hereby Granted, shall take Place and have Continuance, from and after the Second Day of June, in the Year of Our Lord, One thousand Seven hundred and Forty, for and During the Term of Forty One Years.

Provided Nevertheless, That if at any time before the Expiration of the said Term of Forty One Years, all parts of the said Road shall be Sufficiently Amended and Repaired, and so Adjudged by the Majority of the Trustees Appointed, or hereafter to be

be Chosen by Virtue of this Act, by an Adjudication made, and Re-payment of such Money as shall have been Advanced, or Borrowed with Interest for the same, and the Costs and Charges thereof; The said Tolls and Duties shall Cease and Determine; Any Thing herein Contained to the Contrary notwithstanding. CHAP. XIV.

And be it further Enacted by the Authority aforesaid, That for the Continuing of a Sufficient Number of Able persons to be Trustees, for putting in Execution all and every the Powers in this Act Contained, for and During the Continuance thereof, It shall and may be Lawful, to and for the said Trustees, or any Five or more of them, upon the Death of any of the said Trustees, or their Removal, or Refusing to Act in the said Trust, from time to time, and at all times hereafter, During the Term aforesaid, to Elect, Nominate and Appoint in the Room of such Trustee or Trustees so Deceased, Removed or Refusing to Act, another Fit and Able person, or so many more Fit and Able persons Living in the said Counties of Kilkenny, Tipperary, and Queen's-County to be Joined with the said Trustees, in the Execution of all and every the Power and Powers in them Reposed, by Virtue of this Act; And all and every person or persons to be Chosen Trustee or Trustees, to Join in Putting this Act in Execution, as they are herein before Qualified to do, shall and are here-

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by Impowered to Act, to all Intents and Purpoſes, in as Full, Large, and Ample Manner, as the ſaid Truſtees are by this Act Impowered to do; And ſo toties quoties, as often as Occaſion ſhall Require.

And be it further Enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Fifteen or more of them, ſhall Meet at the Town of Durrow, in the County of Kilkenny, on the Laſt Monday in the Month of April, One thouſand ſeven hundred and forty; And the ſaid Truſtees ſhall then Adjourn themſelves, and afterwards Meet there, or at any other Place or Places near the ſaid High-Way or Road to be Repaired, as the ſaid Truſtees, or any Five or more of them, ſhall think Proper and Convenient, as often as it ſhall be Neceſſary for Putting this Act in Execution; And if it ſhall happen, That there ſhall not Appear at any Meeting, which ſhall be Had or Held by the ſaid Truſtees, a ſufficient Number of the Truſtees to Act at ſuch Meeting, and to Adjourn to any other Day, Then, and in ſuch Caſe, the Clerk of the ſaid Truſtees, by Notice in Writing, to be Affixed at the reſpective Gates or Turn-Pikes, at leaſt Ten Days before the next Meeting, ſhall Appoint the ſaid Truſtees to Meet at the Houſe where the Meeting of the ſaid Truſtees was laſt Appointed to be Had, or at ſome other Convenient Houſe near the ſaid Road, on that Day Fortnight upon which ſuch laſt Meeting of the ſaid Truſtees

stees was Appointed to have been Held, and that the said Trustees, at their First Meeting, and at all other Subsequent Meetings, shall Defray their own Charges and Expences. CHAP. XIV.

Provided allways, And be it further Enacted by the Authority aforesaid, That no Person or Persons Appointed, or to be Appointed by this Act a Trustee or Trustees, for putting this Act in Execution, shall have or Accept of any Place of Profit, Arising out of, or by Reason of the Toll or Duty by this Act Laid or Granted, but such Person or Persons shall be Incapable from the time of Accepting and Continuing to Enjoy such Place of Profit, of Acting as a Trustee.

And be it further Enacted by the Authority aforesaid, That if any Suit shall be Commenced against any Person or Persons, for any Thing done in Pursuance of this Act, That in every such Case, the Action shall be laid in the said Counties respectively, and not elsewhere; And the Defendant or Defendants in such Action or Actions to be brought may Plead the General Issue, and give this Act and the Special Matter in Evidence at any Tryal to be had thereupon, and that the same was done in Pursuance, and by the Authority of this Act; And if it shall Appear so to be done, or such Action or Actions shall be brought in any other County, That then the Jury shall Find for the Defendant or Defendants, and upon such Verdict, or if the

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Plaintiff shall be Non-Suited or Discontinue his Action after the Defendant or Defendants shall have Appeared, or if on any Demurrer, Judgment shall be given against the Plaintiff, the Defendant or Defendants shall and may Recover Treble Costs, and have the like Remedy for the same, as any Defendant or Defendants hath or have in any other Cases by Law.

And be it further Enacted by the Authority aforesaid, That this Act shall be Deemed, Adjudged, and Taken to be a Publick Act, and be Judicially Taken Notice of as such, by all Judges, Justices, and other Persons, whatsoever, without specially Pleading the same.

AN

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AN

ACT

FOR

Amending and Repairing the Road, Leading from the Town of *Clonmell*, in the County of *Tipperary*, through the Towns of *Clogheen*, *Mitchelſtown*, and to *Doneraile*, in the County of *Cork*.

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AN

ACT

FOR

Amending and Repairing the Road, Leading from the Town of *Clonmell*, in the County of *Tipperary*, through the Towns of *Clogheen*, *Mitchelſtown*, and to *Doneraile*, in the County of *Cork*.

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WHEREAS the High-way or Road Leading from the Town of Clonmell, in the County of Tipperary, through the Towns of Clogheen, Mitchelſtown, and to Doneraile, in the County of Cork, by Reaſon of the ſeveral Hollow Ways, and of the many and heavy Carriages frequently paſſing through the ſame, are become ſo Ruinous and Bad, that in the Winter Seaſon many parts thereof are Impaſſible for Waggons, Carts, Carrs, and other Carriages, and very Dangerous for Travellers, and cannot by the ordinary Courſe Appointed by the Laws

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and Statutes of this Realm, be Effectually Amended and Kept in good Repair; Wherefore, and to the Intent that the said High-Ways or Roads may be with convenient Speed be Effectually Amended, and hereafter kept in Good and Sufficient Repair, so that all Persons may Travel through the same with Safety;

Be it Enacted by the King's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this Present Parliament Assembled, and by the Authority of the same, That for the better Surveying, Ordering, Amending, and Keeping in Repair, the said High-Way or Road, it shall be in the Power of the Right Honourable James Earl of Barrymore, the Right Honourable Arthur Mohon Lord Viscount Doneraile, the Right Honourable James Lord Baron Kingston, the Right Honourable James Lord Buttevant, the Right Honourable Henry Boyle Esquire, Speaker of the House of Commons, the Right Honourable Sir Thomas Prendergast, Baronet, the Right Honourable Henry Hamilton, Esquire, the Honourable Hayes Saint Leger, Esquire, Sir Charles Moore, Baronet, Sir Richard Mead, Baronet, Sir Richard Cox, Baronet, Sir Mathew Dean, Baronet, Sir John Freke, Baronet, Sir John Osborne, Baronet, Nehemiah Donnellan, Esquire, Eaton Stannard, Esquire, Stephen Moore, Esquire, Robert Oliver, Esquire, Richard Tonson, Esquire, Mathew Dean, Esquire, William

William Wall of Culenemuck, Eſquire, Robert Marſhall, Eſquire, Thomas Evans, Eſquire, William Carr-Buckworth, Eſquire, Richard Aldworth, Eſquire, Richard Betteſworth, Eſquire, Noblet Dunſcombe, Eſquire, John Cleare, Eſquire, John Colthurſt, Eſquire, Bellingham Boyle, Eſquire, Richard Pennefather, Eſquire, John Dowſon, Eſquire, John Lyſaght, Eſquire, Robert Hamerton, Eſquire, David Power, Eſquire, John Love, Eſquire, Reverend Dean Meade, Stephen Moor of the Barn, Eſquire, Thomas Moore, Eſquire, Boleyn Bigg, Eſquire, Ponſonby Newcomen, Eſquire, Henry Cavendiſh, Eſquire, Thomas Dryſdall, Eſquire, Thomas Cooke, Eſquire, Redmond Barry, Eſquire, Cornelius Callaghan, Senior, Eſquire, Robert Callaghan, Eſquire, Cornelius Callaghan, Junior, Eſquire, Jeffery Prendergaſt, Eſquire, John Perry, Eſquire, William Naſh, Eſquire, John Seargint, Eſquire, Edward Bagnal, Eſquire, Thomas Callaghan, Eſquire, George Stannard, Eſquire, Lewellin Naſh, Eſquire, John Yeamans, Eſquire, Thomas Downing, Eſquire, Berthridge Badham, Eſquire, Arthur Hyde, Eſquire, Richard Moore, Eſquire, Devereux Sprat, Eſquire, Thomas Chidley, Eſquire, Arthur Gethings, Eſquire, John Watkins, Eſquire, Boyle Aldworth, Eſquire, Arthur Lyſaght, Eſquire, John Philpot, Eſquire, John Power, Eſquire, John Kane, Eſquire, William Freeman, Eſquire, Richard Newman, Eſquire, Adam Newman, Eſquire, Nicholas Colthurſt, Eſquire, Colthrope Clayton, Eſquire, John Colthurſt, Junior, Eſquire, Robert Betteſworth, Eſquire, Henry

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Wallis, Eſquire, Nicholas Chinnery, Junior, Eſquire, Thomas Holmes-Pomeroy, Eſquire, William Cauſabon, Eſquire, Robert Sandford, Eſquire, Richard Thornhill, Eſquire, Belcher Pedder, Eſquire, John Smith, Eſquire, John Welſted, Junior, Eſquire, John Bond, Eſquire, Cornelius Townſend, Eſquire, Horatio Townſend, Eſquire, John Copley, Eſquire, William Johnſton, Junior, Eſquire, Anthony Jephſon, Senior, Eſquire, Robert Coote, Eſquire, Simon Davies, Eſquire, Thomas Gibbings, Eſquire, Thomas Moore, Eſquire, Edward Thornill, Eſquire, John Welſtead, Eſquire, Doctor John Creagh, Anthony Jephſon, Junior, Eſquire, William Baldwin, Eſquire, Peyton Le Hunte, Clerk, Simon Forton, Clerk, Thomas Rider, Clerk, Joſeph Moore, Clerk, Reverend Dean Jemmett Brown, George Chinery, Clerk, Arthur Sawyers, Clerk, William Gore, Dean of Caſhell, Francis Gore, Clerk, John Bagwell, Gentleman, William Bagwell, Gentleman, Richard Hutchinſon, Gentleman, Daniel White, Gentleman, Edward Prendergaſt, Gentleman, James Prendergaſt, Gentleman, Hercules Beare, Senior, Gentleman, William Beare, Gentleman, George Markham, Gentleman, Thomas Luther, Gentleman, William Johnſton, Gentleman, Henry Beare, Gentleman, Michael Webber, Gentleman, Terence Mc Gragh, Gentleman, Samuel Chearnely, Gentleman, Anthony Chearnely, Gentleman, Thomas Myles, Gentleman, William Squibb, Gentleman, William Markham, Gentleman, William Bryan of Agheroſs, Gentleman, John Seargint, Junior, Gentleman,

Gentleman, Pierce Gethings, Gentleman, Robert Grove, Gentleman, Francis Tyrer, Gentleman, John Squibb, Gentleman, Thomas Burgeſs, Gentleman, John Beare, Gentleman, Anthony Welſh, William Langley, Gentlemen, Chriſtopher Crofts, Gentleman, Andrew Ruddock, Gentleman, Abraham Coakley, Gentleman, Breweſter Fiſh, Gentleman, Richard Purcell, Gentleman, Hodder Roberts, Gentleman, Michael Roberts, Gentleman, John Whyte, Gentleman, John Croane, Gentleman, Roberts Croane, Gentleman, John Purcell, Junior, Gentleman, John Johnſton of Doneraile, Gentleman, Mathew Otway, Gentleman, George Sawyers, Gentleman, James Blackhall of Doneraile, Gentleman, George Foot, Gentleman, John Maſſey, Gentleman, Samuel Johnſton, Gentleman, Thomas Wilkinſon, Gentleman, Thomas Bousfield, Gentleman, Robert Fennell, Gentleman, Francis Power, Gentleman, James Godſell, Gentleman, and James Knight, Gentleman, who are hereby Nominated and Appointed Truſtees of the ſaid Roads, and the Survivors of them, that they or any Fifteen or more of them, or ſuch Perſon or Perſons as they, or any Fifteen or more of them, ſhall Authorize and Appoint, ſhall and may Erect, or Cauſe to be Erected one or more Gate or Gates, Turn-pike or Turn-pikes in, upon or acroſs any Part or Parts of the ſaid High-Ways or Roads, and alſo a Toll-Houſe or Toll-Houſes, and there ſhall Receive and Take the Tolls and Duties following,

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lolding, before any Horſe, Mare, Aſs or Mule, Gelding, Cattle, Coach, Berlin, Chariot, Calaſh, Chaiſe, Chair, Waggon, Wain, Cart, Carr, or other Carriage, ſhall be permitted to paſs thro the ſame, viz. For every Coach, Berlin, Chariot, Calaſh, Chaiſe, or Chair, Drawn by Six Horſes, Geldings or Mares, the Sum of One Shilling and Six Pence; And for every Coach, Berlin, Chariot, Calaſh, Chaiſe, or Chair, Drawn by Four Horſes, Geldings, or Mares, the Sum of One Shilling; For every Coach, Berlin, Chariot, Calaſh, Chaiſe, or Chair, Drawn by Two Horſes, Geldings, or Mares, the Sum of Six Pence; For every Waggon, Wain, Cart, or Carriage with Four Wheels, the Sum of One Shilling and Six Pence; For every Wain, Cart, or Carriage, with Two Wheels, Drawn by One or Two Horſes, Mares, Geldings, Aſſes or Mules, the Sum of Four Pence; For every Wain, Carr, or Carriage with Two Wheels, Drawn with Three or more Horſes, Mares, Geldings, Aſſes or Mules, the Sum of One Shilling; For every Carriage commonly called a Chair or Chaiſe, with One Horſe, Gelding or Mare, the Sum of Four Pence; For every Carr, or other Carriage, having but One Horſe, Mare, or Gelding, the Sum of One Penny half-penny; For every Horſe, Mare, Gelding, Mule, or Aſs, Laden or Unladen, and not Drawing, the Sum of One Penny; Save

Horſes

Horſes Laden with Lime, Dung, Sand, or other Manure, which are hereby Exempted from all Tolls or Duties by this Act Impoſed; for every Drove of Oxen, Cows, or Neat Cattle, the Sum of One Shilling and Eight Pence per Score; and ſo in Proportion for any greater or leſſer Number; For every Drove of Calves, Hogs, Sheep, or Lambs, Ten Pence per Score, and ſo in Proportion for any greater or leſſer Number. Which ſaid reſpective Sum and Sums of Money ſhall be Demanded and Taken in the Name of, or as a Toll or Duty, and the Money ſo to be Raiſed as aforeſaid, is and ſhall hereby be Veſted in the ſaid Truſtees; And the ſame, and every part thereof, ſhall be Paid, Applied, Diſpoſed of and Aſſigned to, and for the ſeveral Uſes, Intents and Purpoſes, and in ſuch Manner as is herein after Mentioned and Directed; And the ſaid Truſtees, or any five or more of them, are hereby Impowered by themſelves, or any Perſon or Perſons by them, or any five or more of them, under their Hands and Seals, thereunto Authorized, to Levy the Toll or Duty hereby Required to be Paid, upon any Perſon or Perſons, who ſhall, after Demand Made thereof, Neglect or Refuſe to Pay the ſame, by Diſtreſs of any Horſe or Horſes or other Cattle or Goods, upon which ſuch Toll or Duty is by this Act Impoſed, or upon any other of the Goods and Chattels of ſuch Perſon or Perſons, who ought to Pay the

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ſame, and may Detain and Keep the ſame, until ſuch Toll or Duty, with the Reaſonable Charges of ſuch Diſtraining and Keeping, ſhall be paid; And it ſhall and may be Lawful, to and for ſuch Perſon or Perſons ſo Diſtraining, after the Space of Five Days after ſuch Diſtreſs Made and Taken, to Sell the Goods ſo Diſtrained, Returning the Overplus (if any be) upon Demand, to the Owner thereof, after ſuch Toll, Duty, and Reaſonable Coſts and Charges for Diſtraining and Keeping the ſame, ſhall be Deducted and Paid.

And be it further Enacted by the Authority aforeſaid, That out of the Firſt Money Ariſing from the Profits of the ſeveral Turn-pikes to be Erected, the ſaid Truſtees, or any Five or more of them, ſhall firſt Pay and Diſcharge the Expence of Procuring this Act of Parliament, and of Erecting ſuch Turn-pike or Turn-pikes, or Building ſuch Toll-Houſe or Toll-Houſes; And from and after ſuch Charges and Expences ſhall be fully Satisfied and Paid, That then, and from thenceforth the Profits Ariſing, and the Toll to be Collected at any Turn-pike or Turn-pikes to be Erected and Set up on the Road, Leading from the Town of Clonmell, in the County of Tipperary, through the Towns of Clogheen, Mitchelſtown, and to Doneraile, in the County of Cork, ſhall be applied for and towards the Repair of the ſaid Road only.

Provided

Provided also, That a Sum not exceeding Twenty Five Pounds, shall be Expended or Laid out, in Erecting or Building any Toll-House on the said Road. CHAP. XV.

And be it further Enacted by the Authority aforesaid, That if any Person or Persons whatsoever, Owning, Renting, or Occupying any Land near unto any Turnpike to be Erected in pursuance of this Act, shall for Gain, Reward, or otherwise wittingly or willingly permit any Person or Persons whatsoever, to pass through any Gate, Passage, or Way, with any Coach, Berlin, Chariot, Calash, Chaise, or Chair, Waggon, Wain, Cart, Carr, or Carriage, or Riding, or Driving any Horse, Ass, Mule, or any sort of Cattle, to avoid the Payment of the Toll hereby Appointed to be Paid, and being thereof Convicted, upon Oath before the said Trustees, or any Five or more of them, or before One or more Justice or Justices of the Peace, for the County where such Offence or Offences shall be Committed (who are hereby Impowered and Required to Administer such Oath) shall Forfeit and pay to the Trustees Authorized to put this Act in Execution, the Sum of Ten Shillings, to be Levied by Distress and Sale of the Offenders Goods, by Warrant under the Hand and Seal, or under the Hands and Seals of the said Trustees, or any Five or more of them, or such Justice or Justices of the Peace, Rendring the Overplus

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to the Owner (if any be) the Charges of Taking and Disposing of the said Goods being first deducted.

And be it further Enacted by the Authority aforesaid, That it shall and may be Lawfull to and for the said Trustees, or any Five or more of them, to Erect One or more Gate or Gates, Turn-pike or Turn-pikes, on the Side of the said High-ways or Roads, cross any Lane or Way Leading out of the said Road, and to Build a Toll-House or Toll-Houses, and there to Receive and Take such Toll as is Appointed by this Act so as the same do not Extend to a Double Charge, in case of Passing the same Day through any other of the Turn-pikes, to be Erected by virtue of this Act, from the Road Leading from the Town of Clonmell, in the County of Tipperary, through the Towns of Clogheen, Mitchelltown, and to Doneraile, in the County of Cork.

Provided allways, That no Gate or Turn-pike be Put up or Erected, or shall be Put up or Erected, at any Place nearer, than One Mile to the said Town of Doneraile.

And be it further Enacted by the Authority aforesaid, That the said Trustees, or any Fifteen or more of them, at their First Meeting, or any Succeeding Meeting by Writing under their Hands and Seals, shall and may Elect, Nominate and Appoint one or more fit Person or Persons, to be Receiver or Receivers, Collector or Collectors of such Money, in the Name of such Toll or

Duty

Duty as shall be Due and payable by Virtue of this Act; And also, one or more fit Person or Persons, to be Surveyor or Surveyors, to See the Condition of the said High-way or Road, and to See that the same be Repaired and Amended, and that the Money Arising and Expended by Virtue of this Act, be Duly Applied; And from time to time, to Remove such Collectors, Receivers and Surveyors, or any, or either of them, as they shall see Occasion, and to Appoint Meet ones in Case of Death, or of such Removal; And such Person or Persons as is, or are by this Act, Liable to pay the said Toll or Duty, is, and are hereby Required to pay the same after the Rates aforesaid, to the said Receiver or Receivers, Collector or Collectors of the said Toll and Duty, in that Behalf from time to time Appointed as aforesaid, for Receiving the said Toll and Duty; And all such Surveyor or Surveyors, shall, upon Oath (if thereunto Required) by the said Trustees, or any Five or more of them, or before One or more Justice or Justices of the Peace, Residing near the High-way or Road aforesaid, (which Oath the said Trustees, or any Five or more of them, or such Justice or Justices of the Peace is, and are hereby Impowered and Required to Administer) on the First Tuesday in every Month, or oftener (if Required) During the Continuance of this Act, give in a True, Exact, and Perfect Account in Writing under their respective Hands, of all Money which he and

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they, and every, or any of them, shall to such time have Received, Paid and Disbursed by Virtue of this Act, by Reason of their respective Offices; For which Oath, no Fee or Reward shall be Taken; And in Case any Money so Received, shall Remain in their or any of their Hands, the same shall be Paid to the said Trustees, or any Five or more of them, or to such Person or Persons as the said Trustees, or any Five or more of them, as they are Qualified to Act, shall by any Writing or Writings under their Hands and Seals, Authorize and Impower to Receive the same, which shall be Disbursed and Laid out in Amending the said Highway or Road, According to the True Intent and Meaning of this Act, and not otherwise; And the said Trustees, or any Five or more of them, to whom such Account shall be given, shall and may, out of the Money Arising by the said Toll or Duty, make such Allowance to the said Receiver or Receivers, Collector or Collectors, and the Surveyor or Surveyors, for and in Consideration of his and their Care and Pains, respectively, taken in the Execution of his and their Office and Offices, and to such other Person or Persons, who have been or shall be Assisting in, and about Procuring the said High-ways and Roads to be Amended and Repaired, by Advancing, and Laying out any Money or otherwise Relating thereto, as to them shall seem Good; So as such Allowance or Allowances

lowances to such Collector or Collectors, do not Annually exceed in the whole, the Sum of Thirty Pounds, and to such Surveyor or Surveyors, a Sum not exceeding the Sum of Two Shillings and Six-pence per Diem, During such Time or Times as he or they shall be respectively Employed in the Repair of the said Roads; And so as such Allowance or Allowances to any other Person or Persons, who shall be Employed by Virtue of this Act, does not Exceed the Sum of Fifteen Pounds Sterl. Yearly, to each Person: And in Case the said Receiver or Receivers, Collector or Collectors of the aforesaid Toll or Duty, or any of them, shall not make such Account and Payment unto such Person and Persons, according to the Orders and Directions of the said Trustees, or any Five or more of them, as aforesaid, That then the said Justices of the Peace, at any Special Sessions or Meeting of them, to be holden for the County in which the said Receiver or Receivers, Collector or Collectors, have Acted or been Employed, and made such Default as aforesaid, shall, and are hereby Required and Impowered to make Inquiry, and finally Determine, of, and Concerning such Default, as well by Confession or Examination upon Oath, of the said parties themselves, as by the Testimony of One or more Credible Witness or Witnesses upon Oath, which Oath they are hereby Impowered and Required to Administer, without Fee or Reward; And if

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any Perſon or Perſons ſhall be Convicted thereof, by ſuch Juſtices, the ſaid Juſtices ſhall, upon ſuch Conviction, Commit the Party or Parties to the Common Goal of the County, where ſuch Offence ſhall be committed, there to Remain without Bail or Mainprize, until he or they ſhall have made a True and Perfect Account, and Payment as aforeſaid.

And be it further Enacted by the Authority aforeſaid, That it ſhall and may be Lawful to and for the ſaid Surveyor or Surveyors, and ſuch Perſon or Perſons as he or they ſhall Appoint, to Dig, Raiſe, Gather, Take and Carry away, any Gravel, Furze, Sand, Stones, or other Materials, out of any Waſte or Common of any Pariſh, Town, Village, or Hamlet, in, or near which any Founderous or Ruinous Places of the ſaid High-ways or Roads do Lie; And for want of Sufficient Gravel, Furze, Sand, Stones, or other Materials there, to Dig, Gather, Raiſe, Take and Carry away the ſame, out of the Waſte or Common of any Neighbouring Pariſh, Town, Village or Hamlet, without Paying any thing for the ſame; And where there is not Sufficient of ſuch Materials in any Common or Waſte Grounds, near Adjoyning, it ſhall and may be Lawful for them, by Order of the ſaid Truſtees, or any Five or more of them, to Dig, Raiſe and Gather the ſame, in the ſeveral Grounds of any Perſon or Perſons, not being a Garden, Orchard, Yard or Meadow, planted Walk

or

or Walks, or Avenue to a House, where any such Materials are, or may be Found, and from time to time to Carry away such, and so much thereof as the said Surveyor or Surveyors in their respective Places, shall Adjudge Necessary for the Repairing and Amending of the said High-ways or Roads, Paying such Rate for such Materials, and for the Damage to the Owner or Occupier of the Ground from whence the same shall be Dugg, Raised, Gathered and Carried away, as the Trustees Appointed, or to be Appointed, to put this Act in Execution, or any Five or more of them shall Adjudge Reasonable; And in Case of any Difference Between such Owner and Occupier, and the said Trustees, Touching the Value of the Materals and Damage aforesaid, the Judges of Assize or the Justices of the Peace, at the next General Assizes and General Goal Delivery or Quarter-Sessions, to be holden in the County where such Materials shall be Dugg, Raised or Gathered, and from whence the same shall be Carried away, may and shall Adjudge, Assess, and Finally Determine the same. CHAP. XV.

And be it further Enacted by the Authority aforesaid, That it shall and may be Lawful to and for the said Surveyor or Surveyors, or such Person or Persons as he or they shall Appoint, from Time to Time, to Remove and Prevent Annoyances on any of the said High-ways or Roads, hereby Intended to be Repaired,

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by Removing any Filth, Dung, Ashes, Rubbish, or Water-Courses, Adjoining the said Roads, or by Cutting Down, Lopping or Topping, of any Trees or Bushes Growing in the said High-ways, or in the Hedges or Banks Adjacent to the said High-ways, and to Take and Carry away the same, the Owners or Occupiers Neglecting to Cut down such Trees or Bushes, or to Remove such other Annoyances, for the Space of Ten Days, after Notice in Writing given for that Purpose, under the Hands of Five of the said Trustees, the Charges whereof shall be Reimbursed the said Surveyor or Surveyors, by such Owners or Occupiers Neglecting to Cut down the said Trees or Bushes, or Remove such other Annoyances as aforesaid; And if, after Removal of any such Annoyances, any Person or Persons shall again Offend in the like Kind, Every such Person or Persons so Offending, and being thereof Convicted upon Oath before any One or more Justice or Justices of the Peace, for the said County where such Offence shall be Committed, shall, for every such Offence, Forfeit and Pay unto the said Trustees where such Offence shall be Committed, the Sum of Ten Shillings, to be Levied in manner aforesaid.

And be it further Enacted by the Authority aforesaid, That it shall and may be Lawful to and for the Surveyor or Surveyors, by Order of the said Trustees, or any Five or more of them, to

Make

Make, or Cause to be Made, Cause-Ways, and to Cut and Make Drains through any Grounds Lying Contiguous to the said Roads, and to Erect Arches of Brick, Timber or Stone, thereupon; And also to Widen any of the Narrow Parts of the said High-Ways or Roads, by Opening, Clearing, and Laying into the said High-Ways or Roads, any Grounds of any Person or Persons, Lying Contiguous to such High-Ways or Roads, not being a House, Garden, Orchard, Planted Walk, or Avenue to a House; And also, to Cause Ditches and Trenches to be Made, in such Places, and in such Manner, as such Surveyor or Surveyors, by Order of the said Trustees, or any Five or more of them, shall Adjudge Necessary, for the better Amending and Keeping the said High-Ways and Roads in Good Repair, Making such Reasonable Satisfaction to the Owner or Occupier of such Ground, which shall be so Laid in, or unto the said High-Ways or Roads, through which any such Drain or Drains shall be Cut, or on which any such Arch or Arches shall be Made, for the Damages which he or they shall or may thereby sustain, as shall be Assessed and Adjudged by the next Going Judge or Judges of Assize, or by the Justices of the Peace, or the Major Part of them, at the next General Assizes, or Quarter-Sessions, to be Holden for the County in which such Ground shall be Laid into the said High-Ways or Roads, or through which any such Drain, CHAP. XV.

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Ditch or Ditches, shall be Cut or Made, or on which such Arch or Arches shall be Erected or Made, or such Cause-ways Made, in Case of any Difference Concerning the same; And if any Owner or Occupier of any Water-Courses, Ditch or Ditches, Adjoyning to the said High-Ways or Roads, shall Neglect or Refuse to Scour or Cleanse such Water-Courses, and to Make such Ditches so Deep, and in such Manner, as the said Surveyor or Surveyors shall Adjudge Proper and Convenient, after Ten Days Notice shall be Given for that Purpose, by such Surveyor or Surveyors, to be Appointed or such Person or Persons as shall be Appointed by him or them, to such Owner or Owners, it shall and may be Lawful, to and for the Surveyor or Surveyors, to Set any Man or Men to Work, to Scour or Cleanse and Make the same, and by Warrant from any Five or more of the said Trustees, to Levy the Charges thereof upon the Persons Goods or Estates of the Owner or Owners, Occupier or Occupiers, of such Water-Course, Ditch or Ditches, by Distress and Sale of his, her or their Goods and Chattels, Rendering the Overplus (if any be) to the said Owner or Occupier, after all Charges Paid.

And whereas the said High-Way or Road, Leading from the Town of Clonmell, in the County of Tipperary, through the Towns of Clogheen, Mitchelstown and to Doneraile in the County of Cork, may be

be Conſiderably Shortened, and Made much more Convenient for Travellers, if the ſame was carried Straight, and in a Direct Line, Where the ſame is now Crooked; For Remedy Whereof, and that all Juſt and Reaſonable Satisfaction may be given for the Land made Uſe of in Carrying ſuch Road Straight as aforeſaid; CHAP. XV.

Be it further Enacted by the Authority aforeſaid, That it ſhall and may be Lawful, to and for the ſaid Truſtees, or any Nine or more of them, to Aſcertain, Deſcribe, and Set Apart, ſuch a Part and Proportion of the Land Adjoyning or Contiguous to the ſaid High-Way or Road, not being a Garden, Orchard, Yard, or Meadow, Planted-Walk or Walks, or Avenue to a Houſe, as they the ſaid Truſtees, or any Nine or more of them, ſhall judge Neceſſary for Carrying the ſame Straight, and in a Direct Line; And the ſaid Truſtees or any Nine or more of them are hereby further Authorized and Impowered to Treat and Agree with the Owners and others Intereſted in the ſaid Ground, to be made uſe of in Carrying the ſaid Road Straight, as aforeſaid, for ſuch Recompence and Satisfaction to be made for the ſame out of the Tolls and Duties ariſing by Virtue of this Act, as the ſaid Truſtees, or any Nine or more of them, ſhall think Fit and Reaſonable; And in Caſe any Perſon or Perſons ſhall Neglect or Re-

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fuſe to Treat or Agree, as aforeſaid, or through any Diſability through non Age, Coverture, or ſpecial Limitation, in any Settlement or Settlements, or by Reaſon of any other Impediment cannot, or otherwiſe howſoever Refuſe to Diſpoſe of their reſpective Intereſts in ſuch Lands, as the ſaid Truſtees, or any Nine or more of them, ſhall think Convenient, for the Shortening the ſaid Road; In every ſuch Caſe, the ſaid Truſtees, or any Nine or more of them, are hereby Authorized and Impowered to Iſſue forth their Warrant or Warrants to the Sheriff or Sheriffs of the County where ſuch Ground doth lye, to Impannel and Return before the ſaid Truſtees, or any Nine or more of them, at ſuch Time and Place, within the ſaid County, as ſhall be Appointed by ſuch Warrant or Warrants, a ſufficient Jury, who upon their Oaths (which Oaths, the ſaid Truſtees, or any Nine or more of them, are hereby Impowered and Required to Adminiſter) ſhall Inquire into the True and Real Value of ſuch Ground to be made Uſe of for the ſaid High-Way or Road, and ſuch Verdicts and Inquiſitions as ſhall be ſo Found and Returned by the ſaid Jury, Aſcertaining the Value of ſuch Ground, ſhall be Final and Concluſive, as well to the ſaid Truſtees, as to the ſeveral and reſpective Owners and Proprietors of ſuch Ground, notwithſtanding any Diſability or Incapacity whatſoever. And forasmuch as the Money

Money ſo to be Collected, by ſuch Receipt of the ſaid Toll, will not at preſent be ſufficient for the ſpeedy Repairing of the ſaid High-Ways or Roads. CHAP. XV.

Be it further Enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Fifteen or more of them, ſhall and may, and are hereby Impowered, from time to time, by Writing under their reſpective Hands and Seals, to Aſſign over the ſaid Separate Toll or Duty hereby Granted, or any Part thereof (the Coſt and Charges whereof to be Born and paid out of ſuch Separate Toll or Duty) for any Term or Time during the Continuance of this Act, as a Security for any Sum or Sums of Money by them to be Borrowed for that Purpoſe, to ſuch Perſon or Perſons, or the Truſtees, who ſhall Advance and Lend the ſame, to Secure the Repayment thereof, with the Lawful Intereſt thereof, or leſs, if the ſame can be ſo had, which ſaid Money Borrowed, ſhall be Applied and Diſpoſed of as the Toll or Duty is by this Act to be Applied and Diſpoſed of, and to no other Uſe, Intent or Purpoſe whatſoever.

And be it further Enacted by the Authority aforeſaid, That it ſhall and may be Lawful, to and for the ſaid Truſtees, or any Fifteen or more of them, from Time to Time, during the Continuance of this preſent Act, to make out Warrants or Orders in Writing, under their Hands, directed to the Treaſurer or Receiver of the ſaid Tolls,

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thereby Requiring him to Pay thereout, to the Perſon or Perſons Named in ſuch Warrant or Order, their Executors, Adminiſtrators and Aſſigns, the growing Intereſt of the Sum of Money mentioned in ſuch Warrant or Order, as the ſame ſhall from Time to Time become due, until ſuch Time as the Principal Sum, mentioned in ſuch Warrant or Order, ſhall be Paid off and Diſcharged: Provided that no Warrant or Order to be Iſſued to the ſaid Treaſurer or Receiver by Virtue of this Act, ſhall be for any greater Sum than Fifty Pounds.

And be it further Enacted by the Authority aforeſaid, That all and every Perſon or Perſons, to whom ſuch Warrants or Orders ſhall be given, his, her, or their Executors, or Adminiſtrators, may, by Indorſements on ſuch Orders or Receipts, Transfer the Right and Benefit of the Sum Mentioned in ſuch Warrants or Orders; Which Indorſements, upon Notice to the Treaſurer or Receiver of the ſaid Tolls, and Entry or Memorial thereof made in a Book to be kept for that Purpoſe, which the ſaid Treaſurer or Receiver ſhall, upon Requeſt without Charge, Fee or Reward, make accordingly, and ſhall, on Requeſt, permit the ſame to be Viewed at Reaſonable Hours, without Fee or Reward, ſhall Intitle the Indorſee or Aſſignee, his, or her, Executors, Adminiſtrators or Aſſigns, to the Sole Benefit of the Sum ſo Transferred or Aſſigned; and that the

ſaid

said Warrant or Order may in like Manner be Assigned or Transferred by such Assignee, his and her Executors or Administrators, and so toties quoties; And that after such Assignment, it shall not be in the Power of the Person or Persons, who made such Assignment, to make Void, Release or Discharge the said Assignment, or the Sum thereby Transferred or Assigned, or any Part thereof. CHAP. XV.

And be it further Enacted by the Authority aforesaid, That the Treasurer, or Receiver of the said Tolls, shall Arithmetically Number all the Warrants or Orders, which shall be Given or Delivered out in Pursuance of this Act, as they shall be delivered out, Commencing by Number One, and so continuing the Numbers till the whole be Arithmetically Numbered.

And be it further Enacted by the Authority aforesaid, That the several Tolls and Duties hereby made Payable, shall be Applyed and Paid to the Discharge of the Interest, of so much Money as shall be Borrowed in Pursuance of this Act, and towards the Repairing the said Roads, and that all the Surplus of the said Tolls and Duties hereby Made Payable over and above what shall be sufficient to Discharge the said Interest and Repair the said Roads, shall be Applyed in Discharge of the Principal Money so Borrowed, in the Manner hereinafter Mentioned, Viz. That when, and as often

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as such Surplus, Received by the said Treasurer or Receiver, shall Amount to the Sum of Two Hundred Pounds, That then the said Treasurer or Receiver, shall Cause the Number of all the Warrants, or Orders, which shall be Issued and Delivered out, in Pursuance of this Act, and the Sum therein Contained, to be Written on several Tickets, or Pieces of Parchment, and to be Rolled and Sealed up, and put into a Box or Urn, and well Mixed together, and an Indifferent Person shall Publickly, between the Hours of Ten and Twelve in the Forenoon of a Day, to be by the said Treasurer or Receiver Publickly Advertised in the Dublin-Gazette, for that Purpose, at least Twenty Days before, at the said Town of Clonmell, in the said County of Tipperary, Draw out of such Box or Urn, as many of the said Tickets, or Pieces of Parchment, as the Sum therein Contained shall Amount to the said Sum of Two Hundred Pounds; And the Person or Persons, the Number of whose Warrants or Orders shall be so Drawn, his or their Executors, Administrators or Assigns, shall, within Twenty Days after the said Warrants or Orders shall be Drawn, be paid by the said Treasurer or Receiver, the Principal Sums to him or them respectively due, with Interest for the same till Paid, and shall, upon Payment thereof, deliver up his and their several and respective Warrants or Orders to the said Treasurer or Receiver,

to

to be Cancelled, which he is hereby Required to Cancel accordingly, and the Interest payable by Virtue of such Warrants or Orders, shall Cease from the Expiration of Twenty Days, to be accounted from the Day of Drawing the said Tickets, or Pieces of Parchment. CHAP. XV.

And be it further Enacted by the Authority aforesaid, That every Person Chargeable, by any Law now in being, towards Repairing the said High-Way or Road, shall Yearly, During the Continuance of this Act, Do and Perform Two Days of that Work, Commonly Called The Statute-Work, which is Appointed, by the Law now in being, for the Amendment of the High-Ways in this Kingdom, in such Manner, Place and Places, being Part of the High-Way hereby Intended to be Repaired, and at such Time as the Surveyor or Surveyors, to be Appointed by Virtue of this Act, shall, by Writing under his or their Hand or Hands, from Time to Time, Order and Direct, and shall not be again Chargeable for the same, by any Surveyor or Surveyors of the respective Parishes, or any Person whatsoever; And also, that the respective Surveyor or Surveyors, for the Time being, of all and every Parish and Parishes in which the said High-Ways and Roads, Intended to be Repaired by this Act, do lye, shall, Yearly and every Year, within Four Days after Request Made to him or them, by

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the Surveyor or Surveyors for the Time being, Appointed by Virtue of this Act, Give a List or an Account in Writing, under his or their Hands, of the Name or Names of all and every Person or Persons, in the said respective Parish or Parishes, who are by the Laws now in Force, Chargeable towards the Repairing of the High-ways of the said respective Parishes, and what he or they is or are Chargeable with, respectively for and towards the same, to the Surveyor or Surveyors Appointed, or to be Appointed by Virtue of this Act; And that the said Surveyor or Surveyors of the said Parishes shall, within Three Days next after Notice Given by the said Surveyor or Surveyors Appointed by this Act, of the Time when, and how many of the said Persons so Chargeable as aforesaid, he or they would have to Do the said Two Days Work in and upon the said Road to be Repaired by this Act, either Summons or give Publick Notice thereof to the said Person or Persons so Chargeable as aforesaid; And if any Surveyor or Surveyors of the said Parishes respectively, shall Neglect or Refuse to Do as they are hereby Directed and Required, he or they, for every Offence, shall Forfeit and pay the Sum of Forty Shillings; And if any Person and Persons Keeping a Team, Cart, Carr or other Carriage, and Chargeable towards the Repairing of the High-ways, as aforesaid, shall Neglect or Refuse to Do and

Perform

perform the said Two Days Work, in the said High-Way by this Act Intended to be Repaired, after such Summons or Publick Notice shall be Given as aforesaid, he, or they respectively, shall Forfeit and pay the Sum of Five Shillings for each of the said Two Days such Person or Persons Keeping a Team, Cart, Carr or other Carriage, shall Make Default; And if any Labourer or other Person, so Chargeable towards Repairing the High-ways of the said Parishes, shall at any Time Neglect or Refuse, after such Summons or Publick Notice Given as aforesaid, to Do and Perform the said Two Days Work, in the said High-way by this Act Intended to be Repaired, he or they shall respectively Forfeit and pay the Sum of One Shilling for each of the said Two Days such Labourer or other Person or Persons shall make Default; All which Penalties and Forfeitures, by this Act Imposed, shall be Levied and Recovered by Distress and Sale of any of the Offenders Goods and Chattels, by Warrant or Warrants under the Hands and Seals of the said Trustees, or any Five or more of them, upon the Information of One or more Credible Witness or Witnesses upon Oath; Which Oath the said Trustees, or any Five or more of them, are hereby Impowered and Required to Administer; And the said Forfeitures and Penalties before-mentioned, when Recovered, after

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Rendring the Overplus (if any be) to the Party or Parties whose Goods and Chattels shall be so Distrained, the Charges of such Distress and Sale being First Deducted, shall Go to, and be Applied for and towards Amending the said High-Way Intended by this Act to be Repaired, in like Manner as the Toll Intended by this Act, is to Go and be Applied. And to the End that no Disputes may Arise, touching what Part of the Roads Intended to be Repaired by this Act, shall be first Amended;

Be it Enacted by the Authority aforesaid, That the Trustees Appointed or to be Appointed, to put this Act in Execution, shall, and they are hereby Authorized and Required, to Order and Direct, that the Amending and Repairing of the said Roads, be first begun at the said Town of Clonmell, and so be Continued onward through the Towns of Clogheen, Mitchelstown, and to Doneraile, in the County of Cork.

Provided allways, That in Case there shall be more than one Gate or Turn-pike across, or on the Side of the said High-ways or Roads, Leading from the Town of Clonmell, in the County of Tipperary, through the Towns of Clogheen, Mitchelstown, and to Doneraile, in the County of Cork, No Person or Persons, having paid the Toll or Duty at the First Gate or Turnpike, through which such Person or Persons shall pass, and Producing a Note or Ticket,

ket, that the ſaid Toll or Duty was Paid, (which Note or Ticket, the Receiver or Receivers, Collector or Collectors is, and are hereby Required to give Gratis) ſhall be Liable to Pay any Toll or Duty, at any other of the Gates and Turn-pikes, upon or on the Side of the ſaid High-way or Road, ſuch Perſon or Perſons Delivering the ſaid Note or Ticket to the ſaid Receiver or Receivers, Collector or Collectors of the ſaid Toll or Duty, at the Latter Gate or Turn-pike, the ſame Day; And no Perſon or Perſons having Occaſion to Paſs the Place or Places, where the Toll or Duty is taken, and who ſhall Return the ſame Day, upon, or with the ſame Horſe, Mare, Gelding, Aſs, Mule, Cattle, Coach, Chariot, Berlin, Chaiſe, Chair, Calaſh, Waggon, Cart, Carr, or other Carriage, ſhall be Liable or Compellable, the ſame Day, to Pay the ſaid Toll or Duty, more than once, on the ſaid Road. CHAP. XV.

And for Preventing Frauds and Abuſes in the ſaid Toll or Duty;

Be it Enacted by the Authority aforeſaid, That if any Perſon or Perſons, having Paid the Toll or Duty by this Act Granted, and made Payable, and having ſuch Note or Ticket, Notes or Tickets, as hereby Directed, ſhall Give or Diſpoſe of the ſame to any other Perſon or Perſons, in Order to Avoid the Payment of the ſaid Toll or Duty, Every ſuch Perſon Giving, Diſpoſing or Offering, and the Perſon Receiving ſuch Note or Ticket, Notes or

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Tickets, and being thereof Convicted, upon Oath before the said Trustees, or any Five or more of them, or before any One or more Justice or Justices of the Peace for the County wherein such Offence or Offences shall be Committed (which Oath the said Trustees, or the said Justice or Justices, are hereby Impowered to Administer) shall respectively Forfeit and pay the Sum of Ten Shillings, to be Levied, Recovered, and Disposed of as any other Penalty or Forfeiture is Directed to be Levied, Recovered, and Disposed of by this Act.

Provided allways, and it is hereby Declared, That during the Continuance of this Act, all Coaches, and Passengers on Horseback, shall Pass and Repass Toll-free, on the Day or Days on which there shall be an Election for Knight or Knights of the Shire, to Serve in Parliament for the Counties of Cork and Tipperary, or for any Burgess to Serve in Parliament for any Borrough in the said Counties respectively; Any thing herein contained to the contrary notwithstanding.

And be it further Enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, may, and are hereby Impowered from Time to Time, as they shall see Convenient or think fit to Agree or Compound by the Year or otherwise, with any Person or Persons using to Travel through the Turn-pike or Turn-pikes to be Erected with any Witch Colts, Horse,

Hoyle, Mare, or Gelding, Als or Mule, or with any Coach, Berlin, Chariot, Calash, Chaise, Chair, Waggon, Cart, Carr or other Carriage, for any Sum or Sums of Money, to be Paid Quarterly, from Time to Time after such Agreement should be made. CHAP. XV.

Provided, also and it is hereby Declared, That no Person shall be charged with any of the Tolls or Duties aforesaid, who shall pass through any of the Turnpikes to be Erected by this Act, who shall carry any Quantities of Stones, Gravel, or other Materials for Repairing of the said Roads, or any of the Roads, in the Parishes in which the same do lye, or in any of the neighbouring Parishes; Nor shall any Person or Persons be Chargeable with the said Toll or Duty for any Carts, Carrs or Waggons Loaded with Corn in the Straw only; Nor for any Ploughs, Harrows, or any Implements of Husbandry, in Order to the Using or Repairing of the same, in the several Parishes in which the said High-Ways or Roads hereby intended to be Repaired do lye; Nor shall any Toll or Duty be Demanded or Taken at any of the Turn-pikes to be Erected, for any Hoyle, Mare, Gelding, Als or Mule, or other Cattle going to Water, or for any Post-Hoyle carrying the Mail or Packet, or of such Hoyle as is, or shall be Used only to Ride on, by the Owner or the Driver of any Waggon, Cart or Carriage, Provided, such Hoyle Pass through the

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ſaid Turn-pike or Turn-pikes, with ſuch Waggon, Cart, or Carriage; Nor ſhall any Toll or Duty be Demanded or Taken for the Horſes of Soldiers Paſſing, that are upon their March, or for Waggons, Carts, Carrs, or other Carriages Attending them, or for Horſes, Waggons, Carts, Carrs, or other Carriages Travelling with Vagrants ſent by Paſſes, or with Priſoners Tranſmitted from one part of this Kingdom to another.

And be it Enacted by the Authority aforeſaid, That the Toll or Duty hereby Granted, ſhall take Place and have Continuance, from and after the Second Day of June, in the Year of Our Lord, One thouſand ſeven hundred and Forty, for and During the Term of Forty One Years.

Provided Nevertheleſs, That if at any time before the Expiration of the ſaid Term of Forty One Years, all Parts of the ſaid Roads ſhall be Sufficiently Amended and Repaired, and ſo Adjudged by the Majority of the Truſtees Appointed, or hereafter to be Choſen by Virtue of this Act, by an Adjudication under their Hands and Seals, that then from and after ſuch Adjudication made, and Re-payment of ſuch Money as ſhall have been Advanced, or Borrowed with Intereſt for the ſame, and the Coſts and Charges thereof; The Tolls and Duties ſhall Ceaſe and Determine; Any Thing herein Contained to the Contrary notwithſtanding.

And

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And be it further Enacted by the Authority aforesaid, That for the Continuing of a Sufficient Number of fit and Able Persons to be Trustees, for Putting this Act in Execution and all and every the Powers in this Act Contained, for and During the Continuance thereof, It shall and may be Lawful, to and for the said Trustees, or any Five or more of them, upon the Death of any of the said Trustees, or their Removal, or Refusing to Act in the said Trust, by any Writing or Writings, under their Hands and Seals, from time to time, and at all times hereafter, During the Term aforesaid, to Elect, Nominate and Appoint in the Room of such Trustee or Trustees so Deceased, Removed or Refusing to Act, so many more Fit and Able Person or Persons, Living in the said Counties of Cork and Tipperary, to be Joined with the said Trustees, in the Execution of all and every the Power or Powers in them Reposed, by Virtue of this Act; And all and every Person or Persons so to be Chosen Trustee or Trustees, to Join in Putting this Act in Execution, as they are herein before Qualified to do, shall and may, and are hereby Impowered to Act, to all Intents and Purposes, in as Full, Large, and Ample Manner, as the said Trustees are by this Act Impowered to do; And so toties quoties, as often as Occasion shall Require.

And be it further Enacted by the Authority aforesaid, That the said Trustees,

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or any Fifteen or more of them, shall Meet at the Town of Clogheen, in the County of Tipperary, on the First Monday in May, in the Year of Our Lord, One thousand seven hundred and forty; And the said Trustees shall Adjourn themselves, and afterwards Meet there, or at any other Place or Places near the said High-Ways or Roads to be Repaired, as the said Trustees, or any Five or more of them, shall think Proper or Convenient, as often as it shall be Necessary for the putting this Act in Execution; And if it shall happen, That there shall not Appear at any Meeting, which shall be Appointed to be had or held by the said Trustees, a sufficient Number of Trustees to Act at such Meeting, and to Adjourn to any other Day, Then, and in such Case, the Clerk to the said Trustees, by Notice in Writing, to be Affixed at the respective Gates or Turn-Pikes, where such Number of Trustees shall be wanting, at least Ten Days before the next Meeting, shall Appoint the said Trustees to Meet at the House where the Meeting of the said Trustees was last Appointed to be had, or at some other Convenient House near the said Roads, on that Day Fortnight upon which such last Meeting of the said Trustees was Appointed to have been held, and that the said Trustees, at their First Meeting, and all other Subsequent Meet-

Meetings, shall Defray their owne Charges and Expences. CHAP. XV.

Provided allways, And be it further Enacted by the Authority aforesaid, That no Person or Persons Appointed, or to be Appointed by this Act a Trustee or Trustees, for Putting this Act in Execution, shall have or Accept of any Place of Profit, Arising out of, or by Reason of the Toll or Duty by this Act Laid or Granted, but such Person or Persons shall be Incapable from the time of Accepting and Continuing to Enjoy such Place of Profit, of Acting as a Trustee.

And be it further Enacted by the Authority aforesaid, That if any Suit shall be Commenced against any Person or Persons, for any Thing done in Pursuance of this Act, That in every such Case, the Action shall be laid in the respective Counties of Cork or Tipperary, and not elsewhere; And the Defendant or Defendants in such Action or Actions to be brought may Plead the General Issue, and give this Act and the Special Matter in Evidence at any Tryal to be had thereupon, and that the same was done in Pursuance, and by the Authority of this Act; And if it shall Appear so to be done, or that such Action or Actions shall be brought in any other County, That then the Jury shall Find for the Defendant or Defendants, and upon such Verdict, or if the Plaintiff shall be Non-Suited or Discontinue his Action after the Defendant or

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Defendants shall have Appeared, or if on any Demurrer, Judgment shall be given against the Plaintiff, the Defendant or Defendants shall and may Recover Treble Costs, and have the like Remedy for the same, as any Defendant or Defendants hath or have in any other Cases by Law.

And be it further Enacted by the Authority aforesaid, That this Act shall be Deemed, Adjudged, and Taken to be a Publick Act, and shall be Judicially Taken Notice of as such, by all Judges, Justices, and other Persons, whatsoever, without specially pleading the same.

AN

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AN

ACT

FOR

Repairing the Road, Leading from the Town of *Nenagh*, in the County of *Tipperary*, through the Towns of *Birr*, and *Ferbane*, in the *King*'s-County to *Curranaboy*-Bridge, on the Turn-pike Road leading to *Athlone* in the County of *Weſtmeath*.

G. II. R.

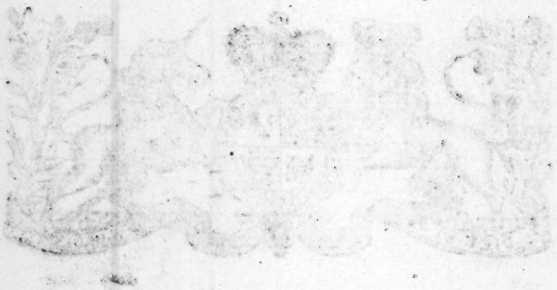


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A C T



D U B L I N:

AN

ACT

FOR

Repairing the Road Leading from the Town of *Nenagh*, in the County of *Tipperary*, through the Towns of *Bir* and *Ferbane*, in the *King's*-County, to *Curranaboy*-Bridge, on the Turn-pike Road Leading to *Athlone*, in the County of *Weſtmeath*.

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WHEREAS the High-Way or Road Leading from the Town of Nenagh, in the County of Tipperary, through the Towns of Bir and Ferbane, in the King's-County, to Curranaboy-Bridge, on the Turn-pike Road Leading to Athlone, in the County of Weſtmeath, by Reaſon of the ſeveral Hollow Ways, and of the many and heavy Carriages frequently paſſing through the ſame, are become ſo Ruinous and Bad, that in Winter Seaſon many Parts thereof are

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Impassable for Waggons, Carts, Carrs, and Carriages, and very Dangerous for Travellers, and cannot, by the ordinary Course Appointed by the Laws and Statutes of this Realm, be Effectually Amended and Kept in good and sufficient Repair; Wherefore, and to the Intent that the said High-Way or Road may with convenient Speed be Effectually Amended, and hereafter kept in Good and Sufficient Repair, so that all Persons may Travel through the same with Safety;

Be it Enacted by the King's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by the Authority of the same, That for the better Surveying, Ordering, Amending, and Keeping in Repair, the said High-Way or Road, it shall be in the Power of the Right Honourable Robert Jocelyn, Esquire, Lord Chancellor of Ireland, Sir Thomas Dancer, Baronet, Nehemiah Donnellan, Stephen Allen, Samuel Waller, Esquires, the Reverend Thomas Dawson, Richard Waller, Henry Pritty, Daniel Towler, Freeman Rogers, Esquires, Daniel Rogers, Gentleman, John Harrison, Esquire, Robert Minitt, Gentleman, Lambert Pepper, Esquire, Richmond Allen, Gentleman, David Malone, Quintin Dick, Redmond Morris, John Morris, James Taylor, Daniel Freeman, Timothy Dalton, Gentlemen, William Carroll of Tulla, Robert Sadlier, Francis Sadlier,

Sadlier, Robert Holmes, **Eſquires**, Peter Dalton, **Gentleman**, Paul Minchin, Humphry Minchin, Charles Minchin, **of** Green-Hills, **Eſquires**, Charles Minchin, **Junior**, William Cliburn, Samuel Barry, **Gentlemen**, Thomas Towers, **Eſquire**, Thomas Smith, Ralph Smith, George Robinſon, Loftus Otway, Charles Towler, **Gentleman, the Reverend** Robert Craven, Anthony Garroll, Richard Gaſon, John Egan, **Eſquires**, John Poe, Richard Poe, **Gentlemen**, **Lord** Tullamoor, **Biſhop of** Clonfert, **Sir** William Parſons, **Baronet**, **Sir** Maurice Croſbie, **Baronet**, Colley Lyons, **Eſquire**, Hugh Henry, **Eſquire**, Anthony Atkinſon, Francis Saunderſon, **Eſquires**, Trevor Lloyd, **and** David Power, **Eſquires**, **the Reverend** Guy Atkinſon, Chriſtopher Lloyd, **Eſquire**, James Palmer, **Gentleman**, William Armſtrong, William Vaughan, Richard Newſtead, Lawrence Parſons, William Parſons, Pigot Parſons, George Parſons, Thomas Parſons, **Eſquires**, Philip Laungton, **Gentleman, the Reverend** George Warburton, Peter Burk, **Gentleman**, David Fraſer, **Eſquire, the Reverend** Mr. Grueber, **Schoolmaſter of** Banagher, Henry Leſtrange, Fælix Coghlan, Newcomen Leſtrange, Richard Malone, Francis Magawly, Peter Judge, Arthur Judge, Robert Lawder, **Eſquires**, George Lawder, Caleb Short, Edmond Armſtrong, Galbreth Holmes, **Eſquires**, Henry Holmes, **the Reverend** Robert Holmes, James Holmes, Archibald Armſtrong, Archibald Armſtrong, **Junior**, **Gentlemen**, Baldwin Crow, Owen Mooney, Warnsford Armſtrong, Thomas Armſtrong, George Fraſer, **Eſquires**, **the Reverend** John Owens, **the**

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Reverend Philip Barrett, Philip Armſtrong, Richard Armſtrong, Henry Palmer, Thomas Palmer, Edmond Burk, Silveſter Freeman, Gentlemen, John Eyre, Frederick Trench, William Crosbie, Richard Trench, Michael Moore, Eſquires, Garret Moore, Lewis Pritchett, Hugh Coulaghan, John Mooney, Junior, John Mullock, Gentlemen, Thomas Bourk, William Leſtrange, Bigoe Henyell, Charles Baggott, Francis Brown, Eſquires, Lord Belfield, Arthur Rochford, William Handcock, Guſtavus Handcock, Charles Lambert, Senior, Charles Lambert, Junior, Anthony Malone, Edmond Malone, Henry Malone, Eſquires, Anthony Malone, Junior, Francis Longworth, Joſeph Sproule, Gentlemen, the Reverend William Jones, Peter Marſh, Warburton Marſh, Anthony Malone of Gagebourgh, Points Judge, William Talbot, Richard Talbot, Eſquires, John Coghlan, William Coghlan, Richard Homan, John Briggs, Benjamin Briggs, Gentlemen, Robert Handcock, Robert Temple, Richard St. George, George St. George, Eſquires, the Reverend Richard Handcock, Sir Redmond Morris, Baronet, and Thomas Cuffe, John Dawſon, John Butler, Ebinezer Low, Richard Low, Barakia Low, Samuel Low, Henry Pilkinton, William Sherlock, Richard Nengent, Judge Rochfort, George Rochfort, William Rochfort John Handcock, William Gamble, Robert Rochfort, Richard Cuppage, Lancellott Low, Eſquires, and George Lennon, Richard Homan, Junior, George Homan, Nathaniel Mc Kindley, Arthur Gamble, John Robinſon, Anthony Robinſon, Robert Mullock, George

Thomas

Thomas of Willbrook, Maurice Tyrrell, Duke Tyrrell, Gentlemen, the Reverend Daniel Jackſon, the Reverend Michael Mc Kindley, Anderſon Saunders, Francis Cornwall, William Newſtead, John White, Joſeph Robbins, Samuel Robbins, Eſquires, Walter Chamberlin, Clerk, Captain Michael Merrict, Lieutenant Warham St. Leger, Henry Cornwall, John Cornwall, Patrick Wall, Gentlemen, Enſign Zacharias Tiffin, Enſign Robert Newſtead, Richard Dardis, John Lockington, Nathaniel Robbins, Michael Merritt, Junior, Samuel Morriſon, Allen, Cornwall, and George Stoney, Gentlemen, who are hereby Nominated and Appointed Truſtees of the ſaid Road, and the Survivors of them, they or any Seven or more of them, or ſuch perſon or perſons as they, or any Seven or more of them, ſhall Authorize and Appoint, ſhall and may Erect, or Cauſe to be Erected one or more Gate or Gates, Turn-pike or Turn-pikes in, upon or acroſs any part or parts of the ſaid High-Way and Road, and alſo a Toll-Houſe or Toll-Houſes, and there ſhall Receive and Take the Tolls and Duties following, before any Horſe, Mare, Gelding, Cattle, Coach, Berlin, Chariot, Calaſh, Chair, Waggon, Wain, Cart, Carr, or other Carriages, ſhall be permitted to paſs through the ſame, viz. For every Coach, Berlin, Chariot, Calaſh, Chaiſe, or Chair, Drawn by Six Horſes, Geldings or Mares, the Sum of One Shilling and Six Pence; And for every Coach, Berlin,

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lid, Chariot, Calash, Chaise, or Chair, Drawn by any lesser Number of Horses, Geldings, or Mares, than Six, and more than Two, One Shilling; For every Coach, Berlin, Chariot, Calash, Chaise, or Chair, Drawn with Two Horses, Geldings, or Mares, Six Pence; For every Waggon, Wain, Cart, or other Carriage with Four Wheels, not Drawing Beams or Gross Timber, the Sum of Ten Shillings; And for every Waggon, Wain, Cart, or other Carriage, Drawing Beams or Gross Timber the Sum of One Shilling; For every Wain, Cart, or Carriage with Two Wheels, Drawn by more than Two Horses, Mares, Geldings, or Oxen the Sum of Five Shillings; For every Cart, Carr, or other Carriage Drawn with Two Horses, Geldings, or Mares, the Sum of Four Pence; For every Carriage commonly called a Chair or Chaise, with One Horse, Mare or Gelding, the Sum of Four Pence; For every Carr, or other Carriage, Drawn but by One Horse, Mare, or Gelding, the Sum of One Penny; Excepting Carrs loaden with Turf, and for each of them One Half-penny; And for any Horse, or other Cattle loaden with Turf, not Drawing, One Half-penny; For every other Horse, Mare, Gelding, Mule, or Ass, Loaden or Unloaden, and not Drawing, One Penny; For every Drove of Oxen, Colts, or Neat Cattle, the Sum of One Shilling and Eight Pence per Score, and so in Proportion for

any

any greater or lesser Number; For every Drove of Calves, Hogs, Sheep, or Lambs, the Sum of Five Pence per Score, and so in Proportion for any greater or lesser Number; Which said respective Sum and Sums of Money shall be Demanded and Taken in the Name of, or as a Toll or Duty, and the Money so to be Raised as aforesaid, is, and shall hereby be Vested in the said Trustees; And the same, and every Part thereof, shall be Paid, Applied, and Disposed and Assigned to, and for the several Uses, Intents and Purposes, and in such Manner as is herein after Mentioned and Directed; And the said Trustees, or any Seven or more of them, are hereby Impowered by themselves, or any Person or Persons by them, or any Seven or more of them, under their Hands and Seals, thereunto Authorized, to Levy the Toll or Duty hereby Required to be Paid, upon any Person or Persons, who shall, after Demand Made thereof, Neglect or Refuse to pay the same, by Distress of any Horse or Horses or other Cattle or Goods, upon which such Toll or Duty is by this Act Imposed, or upon any of the Goods and Chattels of such Person or Persons, who ought to pay the same, and may Detain and Keep the same, till such Toll or Duty, with Reasonable Charges of such Distraining and Keeping, shall be Paid; And it shall and may be Lawful, to and for the Person or Persons so Distraining, after the Space

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of Five Days after such Distress Made and Taken, to Sell the Goods Distrained, Returning the Overplus (if any be) upon Demand, to the Owner thereof, after such Toll, Duty, and Reasonable Charges for Distraining and Keeping the same, shall be Deducted and Paid.

And be it further Enacted by the Authority aforesaid, That out of the First Money Arising from the Profits of the several Turn-pikes to be Erected, the said Trustees, or any Seven or more of them, shall first Pay and Discharge the Expence of Procuring this Act of Parliament, and of Erecting such Turn-pike or Turn-pikes, or Building such Toll-House or Toll-Houses; And from and after such Charges and Expences shall be fully Satisfied and Paid, That then, and from thenceforth the Profits Arising, and the Toll to be Collected at any Turn-pike or Turn-pikes to be Erected or Set up on the said Road, Leading from the Town of Nenagh, in the County of Tipperary, through the Towns of Bir, and Ferbane, in the King's-County to Curranaboy-Bridge, on the Turn-pike Road leading to Athlone, in the County of Westmeath, shall be Applied for and towards the Repair of the said Road only, and not elsewhere.

And be it further Enacted by the Authority aforesaid, That if any Person or Persons whatsoever, Owning, Renting, or Occupying any Lands near unto any Turn-pike to be Erected in Pursuance of this Act,

Act, shall for Gain, Reward, or otherwise Permit any Person or Persons whatsoever, to Pass through any Gate, Passage, or Way, with any Coach, Berlin, Chariot, Calash, Chaise, or Chair, Waggon, Wain, Cart, Carr, or other Carriage, or Riding, or Driving any Horse, Mule, Ass, or any other sort of Cattle, to avoid the Payment of the Toll hereby Appointed to be Paid, and shall be thereof Convicted, upon the Oath of one or more Witness or Witnesses, before the said Trustees, or any Seven or more of them, or before One or more Justice or Justices of the Peace, for the County wherein such Offence or Offences shall be Committed (who are hereby Impowered and Required to Administer such Oath) such Person or Persons shall Forfeit and Pay to the Trustees Authorized to put this Act in Execution, the Sum of Ten Shillings, to be Levied by Distress and Sale of the Offenders Goods, by Warrant under the Hand and Seal, or under the Hands and Seals of the said Trustees, or any Seven or more of them, or such Justice or Justices, Rendring the Overplus (if any be) to the Owner, the Charges in Taking and Disposing of the said Goods being first deducted. CHAP. XVI.

And be it further Enacted by the Authority aforesaid, That it shall and may be Lawful to and for the said Trustees, or any Seven or more of them, to Erect One or more Gate or Gates, Turn-pike or Turn-pikes, on the Side of the said High-way or Road, cross

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any Lane or Way Leading out of the said Road, and to Build one or more Toll-House or Toll-Houses, and there to Receive and Take such Toll as is Appointed by this Act to be taken, so as the same do not Extend to a Double Charge, in case of Passing through any of the other Turn-pikes, to be Erected by virtue of this Act, from the Road Leading from the Town of Nenagh, in the County of Tipperary, through the Towns of Bir, and Ferbane, in the King's-County, to Curranaboy-Bridge, on the Turn-pike Road Leading to Athlone, in the County of Westmeath.

And be it further Enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, at their First Meeting, or any Succeeding Meeting by Writing under their Hands and Seals, shall and may Elect, Nominate and Appoint one Fit Person to be Treasurer, and one Fit Person to be Clerk, and one or more Fit Persons to be Receiver or Receivers, Collector or Collectors of such Money, in the Name of such Toll or Duty as shall be Due and Payable by Virtue of this Act; And also, one or more fit Person or Persons, to be Surveyor or Surveyors, to See the Condition of the said High-Way or Road, and to See that the same be Repaired and Amended, and that the Money Arising and Expended by Virtue of this Act, be Duly Applied; And from time to time, to Remove such Treasurer or Clerk, Collectors, Receivers and Surveyors, or any, or either of them, as

as they shall see Occasion, and Appoint New ones, in Case of Death, or of such Removal: And such Person or Persons as is, or are liable by this Act to pay the said Toll or Duty, is, and are hereby Required to pay the same after the Rates aforesaid, to the said Receiver or Receivers, Collector or Collectors of the said Toll or Duty, in that Behalf from time to time Appointed as aforesaid, for the Receiving the said Toll or Duty; And such Receiver or Receivers, Collector or Collectors as aforesaid, shall, upon Oath (if thereto Required) by the said Trustees, or any Seven or more of them, or before One or more Justice or Justices of the Peace, Residing near the High-way or Road aforesaid, (which Oath such Trustees, or any Seven or more of them, or such Justice or Justices is, and are hereby Impowered and Required to Administer) on the First Tuesday in every Month, or oftner (if Required) During the Continuance of this Act, give in a True, Exact, and Perfect Account in Writing under their respective Hands of all Monies which he and they, and every, or any of them, shall to such time have Received, Paid and Disburſed by Virtue of this Act, by Reason of their respective Offices; For which Oath, no Fee or Reward shall be Taken; And in Case any Money so Received, shall Remain in their or any of their Hands, the same shall be Paid to the said Trustees, or any Seven or more of them, or to such Person or Persons as the

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said Trustees, or any Seven or more of them, shall by any Writing or Writings under their Hands and Seals, Authorize and Impower to Receive the same, which shall be Disbursed and Laid out in Amending the said Highway or Road, According to the True Intent and Meaning of this Act, and not otherwise; And the said Trustees, or any seven or more of them, to whom such Account shall be given, shall and may, out of the Money Arising by the said Toll or Duty, make such Allowance to the said Treasurer and Clerk, Receiver or Receivers, Collector or Collectors, and the Surveyor and Surveyors, for and in Consideration of his and their Care and Pains, respectively, taken in the Execution of his and their Office and Offices, as to them shall seem Good; So as such Allowance to such Treasurer does not exceed the Yearly Sum of Thirty Pounds, and that the Allowance to such Clerk does not exceed the Yearly Sum of Fifteen Pounds, and that the Allowance or Allowances to such Collector or Collectors, do not Annually exceed Fifteen Pounds, and to such Surveyor or Surveyors, any Sum not exceeding Two Shillings and Six-pence per Day, During such Time or Times as he or they shall be respectively Employed in the Repair of the said Roads; And in Case the said Treasurer, Receiver or Receivers, Collector or Collectors of the aforesaid Toll or Duty, or any of them, shall not make such

such Account and Payment unto such Person or Persons, according to the Orders and Directions of the said Trustees, or any Seven or more of them, as aforesaid, That then the said Justices of the Peace, at any Special Sessions or Meeting of them, to be holden in the County in which the said Treasurer, Receiver or Receivers, Collector or Collectors, have Acted or been Employed, and made such Default as aforesaid, shall, and are hereby Required and Impowered to make Inquiry, and Finally to Determine, of, and Concerning such Default, as well by the Confession of the said Parties themselves, as by the Testimony of One or more Credible Witness or Witnesses upon Oath, which Oath they are hereby Impowered and Required to Administer, without Fee or Reward; And if any Person or Persons shall be Convicted thereof, by such Justices, the said Justices shall, upon such Conviction, Commit the Party or Parties to the Common Goal of the County, where such Offence shall be committed, there to Remain without Bail or Mainprize, until he or they shall have made a True and Perfect Account, and Payment as aforesaid.

And be it Enacted by the Authority aforesaid, That it shall and may be Lawful to and for the said Surveyor or Surveyors, and such Person or Persons as he or they shall Appoint, to Dig, Raise, Gather, Take and Carry away, any Gravel, Furze, Sand, Stones, or other Materials,

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out of any Waste or Common of any Parish, Town, Village, or Hamlet, in, or near which any Founderous or Ruinous Places of the said high-way or Road do Lie; And for want of Sufficient Gravel, Furze, Sand, Stones, or other Materials there, to Dig, Gather, Raise, Take and Carry away the same, out of any Waste or Common of any Neighbouring Parish, Town, Village or Hamlet, without Paying any thing for the same; And where there is not Sufficient of any such Materials in any Common or Waste Ground, near Adjoyning, it shall and may be Lawful for them, by Order of the said Trustees, or any Seven or more of them, to Dig, Raise and Gather the same, in the several Grounds of any Person or Persons, not being a Garden, Orchard, Yard or Meadow, planted Walk or Walks, or Avenue to a House, where any such Materials are, or may be Found, and from time to time to Carry away such, and so much thereof as the said Surveyor or Surveyors shall Adjudge Necessary for the Repairing and Amending the said high-way or Road, Paying such Rate for such Materials, to the Owner or Occupier of the Ground from whence the same shall be Digged, Raised, Gathered and Carried away, as the Trustees Appointed, or to be Appointed, to put this Act in Execution, or any Seven or more of them shall Adjudge Reasonable; And in Case of any Difference Between such Owner or Occupier, and the said Trustees, Touching

Touching the Value of the Materials and the Damage aforesaid, the Judges of Assize at the next General Assizes and General Goal Delivery to be holden in the County where such Materials shall be Digged, Raised or Gathered, and from whence the same shall be Carried away, may and shall Adjudge, Assess, and Finally Determine the same. CHAP. XVI.

And be it further Enacted by the Authority aforesaid, That it shall and may be Lawful, to and for the Surveyor or Surveyors, and such Person or Persons as he or they shall Appoint, from Time to Time, to Remove and Prevent Annoyances in any part of the said High-way or Road, hereby Intended to be Repaired, by Filth, Dung, Ashes, Rubbish, Water-Courses, Sinks or Drains, Running into the said High-way or Road, and to Cleanse any Ditch or Water-Courses Adjoining to the said Roads, and to Cutt, Lopp, or Topp, any Trees or Bushes Growing in the said High-ways, or in the Hedges or Banks Adjacent to the said High-ways, and to Take and Carry away the same, the Owner or Occupier Neglecting to Cut down such Trees or Bushes, or to Remove such other Annoyances, for the Space of Ten Days, after Notice in Writing given for that Purpose, under the Hands of Seven of the said Trustees, the Charges whereof shall be Reimbursed the said Surveyor or Surveyors, by such Owners or Occupiers Neg-

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letting to Cut down the said Trees or Bushes, or to Remove such other Annoyances as aforesaid; And if, after Removal of any such Annoyances, any Person or Persons shall again Offend in like Kind, Every such Person or Persons so Offending, and being thereof Convicted upon the Oath of one or more Witness or Witnesses before One or more Justice or Justices of the Peace, for the said County where such Offence shall be Committed, shall, for every such Offence, Forfeit and pay unto the said Trustees where such Offence shall be Committed, Ten Shillings, to be Levied in manner aforesaid.

And be it further Enacted by the Authority aforesaid, That it shall and may be Lawful, to and for the said Surveyor or Surveyors, by Order of the said Trustees, or any Seven or more of them, to Make, or Cause to be Made, Cause-ways, and to Cut and Make Drains through any Grounds Lying Contiguous to the said Road, and to Erect Arches of Brick, Timber or Stone, thereupon; And also Widen any of the Narrow Parts of the said High-Way or Road, by Opening, Clearing, and Laying into the said High-Way or Road, any Ground of any Person or Persons, Lying Contiguous to such High-Way or Road, not being a House, Garden, Orchard, Planted Walk, or Avenue to a House; And also, to Cause Ditches or Trenches to be Made, in such Places, and in such Manner, as such Surveyor or Surveyors,

veyors, by Order of the said Trustees, or any Seven or more of them, shall Adjudge Necessary, for the better Amending and Keeping the said High-Way or Road in Good Repair, Making such Reasonable Satisfaction to the Owner or Occupier of such Ground, which shall be so Laid in, or unto the said High-Way or Road, through which any such Drain or Drains shall be so Cut, or on which any such Arch or Arches shall be Made, for the Damages which he or they shall or may thereby sustain, as shall be Assessed and Judged by the next Going Judge or Judges of Assize, or by the Justices of the Peace, or the Major Part of them, at the next General Assizes, or Quarter-Sessions, to be Holden for the County in which such Ground shall be Laid into the said High-Way or Road, and through which any such Drain, or Drains, Ditch or Ditches, shall be Cut or Made, or on which such Arch or Arches shall be Erected or Made, or such Causeways Made, in Case of any Difference Concerning the same; And if any Owner or Occupier of any Water-Courses, Ditch or Ditches, Adjoyning to the said High-Ways or Roads, shall Neglect or Refuse to Scour or Cleanse such Water-Courses, and to Make such Ditches so Deep, and in such Manner, as the Surveyor or Surveyors shall Adjudge Proper and Convenient, after Ten Days Notice shall be Given for that Purpose, by such Surveyor or Surveyors, or such Person or Persons as

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shall be Appointed by him or them, to such Owner or Owners, it shall and may be Lawful, to and for the Surveyor and Surveyors, to Set any Man or Men to Work, to Scour or Cleanse and Make the same, and by Warrant in Writing under the Hands and Seals of any Seven or more of the said Trustees, to Levy the Charge thereof upon the Persons Goods or Estates of the Owner or Owners, Occupier or Occupiers, of such Water-Courses, Ditch or Ditches, by Distress and Sale of his, her or their Goods and Chattels, Rendering the Overplus (if any be) to the said Owner or Occupier, after all Charges paid.

And whereas the said High-Way or Road, Leading from the said Town of Nenagh, in the County of Tipperary, through the Towns of Bir and Ferbane, in the King's-County, to Curranaboy-Bridge, on the Turnpike Road Leading to Athlone, in the County of Westmeath, may be Considerably Shortened, and Made much more Convenient for Travellers, if the same was carried Straight, and in a Direct Line, where the same is now Crooked; For Remedy whereof, and that all Just and Reasonable Satisfaction may be given for the Land made Use of in Carrying such Road Straight as aforesaid;

Be it further Enacted by the Authority aforesaid, That it shall and may be Lawful, to and for the said Trustees, or any Nine or more of them, to Ascertain, Describe,

Describe, and Set Apart, such Part and Proportion of the Lands Adjoyning or Contiguous to the said High-Way or Road, or which otherwise Lies most convenient for Carrying on and Continuing the said High-Way or Road, Straight and in Direct Lines, not being Houses, Gardens, Avenues, Plantations, or Planted-Walks, as they the said Trustees, or any Nine or more of them, shall judge Necessary for Carrying the same Straight, and in a Direct Line as aforesaid; And the said Trustees or any Nine or more of them are hereby further Authorized and Impowered to Treat and Agree with the Owners and others Interested in the said Ground, to be made use of in Carrying the said Road Straight, as aforesaid, for such Recompence and Satisfaction to be made for the same out of the Tolls and Duties arising by Virtue of this Act, as the said Trustees, or any Nine or more of them, shall think Fit and Reasonable; And in Case any Person or Persons shall Neglect or Refuse to Treat or Agree, as aforesaid, or through any Disability by non Age, Coverture, or special Limitation, in any Settlement or Settlements, or by Reason of any other Impediment cannot, or otherwise howsoever Refuse to Dispose of their respective Interest in such Lands, as the said Trustees, or any Nine or more of them, shall think Convenient, for the Shortening the said Road; In every such

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Caſe, the ſaid Truſtees, or any Nine or more of them, are hereby Authorized and Impowered to Iſſue forth their Warrant or Warrants to the Sheriff or Sheriffs of the County wherein ſuch Ground doth lye, to Impannel and Return before the ſaid Truſtees, or any Nine or more of them, at ſuch Time and Place, within the ſaid County, as ſhall be Appointed in ſuch Warrant or Warrants, a ſufficient Jury, who upon their Oaths (which ſaid Oaths, the ſaid Truſtees, or any Nine or more of them, are hereby Impowered and Required to Adminiſter) ſhall Inquire into the True and Real Value of ſuch Ground to be made Uſe of for the ſaid High-Way or Road, and ſuch Verdicts or Inquiſitions as ſhall be ſo Found and Returned by the ſaid Jury, Aſcertaining the Value of ſuch Ground, ſhall be Final and Concluſive, as well to the ſaid Truſtees, as to the ſeveral and reſpective Owners and Proprietors of ſuch Ground, notwithſtanding any Diſability or Incapacity whatſoever. And forasmuch as the Monies ſo to be Collected, by ſuch Receipt of the ſaid Toll, will not be at preſent ſufficient for the ſpeedy Repairing of the ſaid High-way or Road;

Be it further Enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Fifteen or more of them, ſhall and may, and are hereby Impowered, from time to time, by Writing under their reſpective Hands and Seals, to Aſſign over the ſaid

Separate

Separate Toll or Duty hereby Granted, or any part thereof (the Costs and Charges whereof to be Born and Paid out of such Separate Toll or Duty) for any Term or Time during the Continuance of this Act, as a Security for any Sum or Sums of Money by them to be Borrowed for that Purpose, to such Person or Persons, or their Trustees, who shall Advance and Lend the same, to Secure the Repayment thereof, with Lawful Interest or less, if the same can be so had, which said Money Borrowed, shall be Applied and Disposed of as the Toll or Duty is by this Act to be Applied and Disposed of, and to no other Use, or Purpose whatsoever. CHAP. XVI.

And be it further Enacted by the Authority aforesaid, That it shall and may be Lawful, to and for the said Trustees, or any Fifteen or more of them, from Time to Time, during the Continuance of this present Act, to make out Warrants or Orders in Writing, under their Hands, directed to the Treasurer or Receiver of the said Tolls, Requiring him to Pay thereout, to the Person or Persons Named in such Warrant or Order, their Executors, Administrators or Assigns, the growing Interest of the Sum of Money mentioned in such Warrant or Order, as the same shall from Time to Time become due, until such Time as the Principal Sum, mentioned in such Warrant or Order, shall be Paid off and Discharged at one Entire Payment:

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Provided that no Warrant or Order to be Issued to the said Treasurer or Receiver by Virtue of this Act, shall be for any greater Sum than Fifty Pounds.

And be it further Enacted by the Authority aforesaid, That all and every Person or Persons, to whom such Warrants or Orders shall be given, his, her, or their Executors, or Administrators, may, by Indorsements on such Orders or Receipts, Transfer the Right and Benefit of the Sum Mentioned in such Warrants or Orders; Which Indorsements, upon Notice to the Treasurer or Receiver of the said Tolls, and an Entry or Memorial thereof made in a Book to be kept for that Purpose, which the said Treasurer or Receiver shall, upon Request without Charge, Fee or Reward, make accordingly, and shall, upon the like Request, permit to be Viewed at Reasonable Hours, without Fee or Reward, shall Intitle the Indorsee or Assignee, his, or her, Executors, Administrators or Assigns, to the Sole Benefit of the Sum so Transferred or Assigned; and that the said Warrant or Order may in like Manner be Assigned or Transferred by such Assignee, his or her Executors or Administrators, and so toties quoties; And that after such Assignment, it shall not be in the Power of the Person or Persons, who made such Assignment, to make Void, Release or Discharge the said Assignment, or the Sum thereby Transferred or Assigned, or any part thereof.

And

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And be it further Enacted by the Authority aforesaid, That the Treasurer, or Receiver of the said Tolls, shall Arithmetically Number all the Warrants or Orders, which shall be Given or Delivered out in Pursuance of this Act, as they shall be delivered out, Commencing by Number One, and so continuing the Numbers till the whole be Arithmetically Numbered.

And be it further Enacted by the Authority aforesaid, That the several Tolls and Duties hereby made Payable, shall be Applyed and paid to the Discharge of the Interest, of so much Money as shall be Borrowed in Pursuance of this Act, and towards Repairing the said Road, and that all the Surplus of the said Tolls and Duties hereby Made Payable over and above what shall be sufficient to Discharge the said Interest and Repair the said Road, shall be Applyed in Discharging of the Principal Money so Borrowed, in the Manner hereinafter Mentioned, Viz. That when, and as often as such Surplus, Received by the said Treasurer or Receiver, shall Amount to the Sum of Two Hundred Pounds, then the said Treasurer or Receiver, shall Cause the Number of all the Warrants, or Orders, which shall be Issued and Delivered out, in Pursuance of this Act, and the Sum therein Contained, to be Written on several Tickets, or Pieces of Parchment, and to be Rolled and Sealed up,

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and put into a Box or Urn, and well Mixed together, and an Indifferent Person to be Appointed by the said Trustees, or any Seven or more of them, shall Publickly, between the Hours of Ten and Twelve in the Forenoon of a Day, to be by the said Treasurer or Receiver Publickly Advertised in the Dublin-Gazette, for the purpose, at least Twenty Days before, at the Town of Bir, in the King's-County aforesaid, Draw out of such Box or Urn, as many of the said Tickets, or Pieces of Parchment, as the Sums therein Contained shall Amount to the said Sum of Two Hundred Pounds; And the Person or Persons, the Number of whose Warrants or Orders shall be so Drawn, his or their Executors, Administrators or Assigns, shall, within Twenty Days after the said Warrants or Orders shall be Drawn as aforesaid, be paid by the said Treasurer or Receiver, the Principal Sums to him or them respectively due, with the Interest for the same till paid, and shall, upon Payment thereof, deliver up his and their several and respective Warrants or Orders to the said Treasurer or Receiver, to be Cancelled, which he is hereby Required to Cancel accordingly, and the Interest payable by Virtue of such Warrants or Orders, shall Cease from the Expiration of Twenty Days, to be accounted from the Day of Drawing the said Tickets, or Pieces of Parchment.

And

And be it further Enacted by the Authority aforesaid, That every Person Chargeable, by any Law now in being, towards the Repairing the said High-Way or Road, shall Yearly, During the Continuance of this Act, Do and perform Two Days of that Work, Commonly Called The Statute-Work, which is Appointed, by the Laws now in being, for the Amending of the High-Ways in this Kingdom, in such Manner, Place and Places, being Part of the High-Way hereby Intended to be Repaired, and at such Time as the Surveyor or Surveyors, to be Appointed by Virtue of this Act, shall, by Writing under his or their Hand or Hands, from Time to Time, Order and Direct, and shall not be again Chargeable for the same, by any Surveyor or Surveyors of the respective Parishes, or any Person whatsoever; And also, that the respective Surveyor or Surveyors, for the Time being, of all and every Parish and Parishes in which the said High-Ways and Roads, Intended to be Repaired by this Act, lye, shall, Yearly and every Year, within Four Days after Request Made to him or them, by the Surveyor or Surveyors for the Time being, Appointed by Virtue of this Act, Give a List or an Account in Writing, under his or their Hands, of the Name or Names of all and every Person or Persons, in the said respective Parish or Parishes, who are by the Laws now in Force, Chargeable towards

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wards the Repairing of the High-ways of the said respective Parishes, and what he or they is or are Chargeable with, respectively for and towards the same, to the Surveyor or Surveyors Appointed, or to be Appointed by Virtue of this Act; And that the said Surveyor or Surveyors of the said Parishes shall, within Three Days next after Notice Given by the said Surveyor or Surveyors Appointed by this Act, of the Time when, and how many of the said Persons so Chargeable as aforesaid, he or they would have to Do the said Two Days Work in and upon the said Roads to be Repaired by this Act, either Summon or give Publick Notice thereof to the said Person or Persons so Chargeable as aforesaid; And if any Surveyor or Surveyors of the said Parishes respectively, shall Neglect or Refuse to Do as they are hereby Directed and Required, he or they, for every Offence, shall Forfeit and pay the Sum of Forty Shillings; And if any Person or Persons Keeping a Team, Cart, Carr or other Carriage, and Chargeable towards the Repairing the High-ways, as aforesaid, shall Neglect or Refuse to Do and Perform the said Two Days Work, in the said High-Ways by this Act Intended to be Repaired, after such Summons or Publick Notice shall be Given as aforesaid, he, or they respectively, shall Forfeit and pay the Sum of Five Shillings for each of the said Two Days such

Person

Perſon or Perſons Keeping a Team, Cart, Carr or other Carriage, ſhall Make Default; And if any Laborer or other Perſon, ſo Chargeable towards Repairing the High-ways of the ſaid Pariſhes, ſhall at any Time Neglect or Refuſe, after ſuch Summons or Publick Notice Given as aforeſaid, to Do and Perform the ſaid Two Days Work, in the ſaid High-ways by this Act Intended to be Repaired, he or they ſhall reſpectively Forfeit and Pay the Sum of One Shilling for each of the ſaid Two Days ſuch Laborer or other Perſon or Perſons ſhall make Default; All which Penalties and Forfeitures, by this Act Impoſed, ſhall be Levied and Recovered by Diſtreſs and Sale of any of the Offenders Goods and Chattels, by Warrant or Warrants under the Hands and Seals of the ſaid Truſtees, or any Seven or more of them, upon the Information of One or more Credible Witneſs or Witneſſes upon Oath; Which Oath the ſaid Truſtees, or any Seven or more of them, are hereby Impowered and Required to Adminiſter; And the ſaid Forfeitures and Penalties before-mentioned, when Recovered, after Rendring the Overplus (if any be) to the Party or Parties whoſe Goods or Chattels ſhall be ſo Diſtrained, the Charges of ſuch Diſtreſs and Sale being Firſt Deducted, ſhall Go to, and be Applied for and towards Amending the ſaid High-Ways Intended by this Act to be Repaired, in

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like Manner as the Toll Intended by this Act, is to Go and be Applied.

Provided allways, That in Case there shall be more than one Gate or Turn-pike in, cross, or on the Side of the said High-ways or Roads, between the said Town of Nenagh, in the County of Tipperary, through the Towns of Bir and Ferbane, in the Kings-County, to Curranaboy-Bridge on the Turnpike Road, Leading to Athlone, in the County of Westmeath, No Person or Persons, having paid the Toll or Duty at the First Gate or Turn-pike, through which such Person or Persons shall pass, and Producing a Note or Ticket, that the said Toll or Duty was paid, (which Note or Ticket, the Receiver or Receivers, Collector or Collectors is, and are hereby Required to give Gratis) shall be Liable to Pay any Toll or Duty, at any other of the said Gates or Turn-pikes, upon the said High-way or Road, such Person or Persons Delivering the said Note or Ticket to the said Receiver or Receivers, Collector or Collectors of the said Toll or Duty, at the Latter Gate or Turn-pike, the same Day; And no Person or Persons having Occasion to pass the Place or Places, where the Toll or Duty is taken, who shall Return the same Day, upon, or with the same Horse, Mare, Gelding, Ass, Mule, Cattle, Coach, Chariot, Berlin, Chaise, Chair, Calash, Waggon, Cart, Carr, or other Carriage, shall be Liable or Compellable, the same Day, to

Pay

pay the ſaid Toll or Duty, more than once, on the ſaid Road.

And for the Preventing Frauds and Abuſes in the ſaid Toll or Duty;

Be it Enacted by the Authority aforeſaid, That if any Perſon or Perſons, having Paid the Toll or Duty by this Act Granted, and made Payable, and having ſuch Note or Ticket, Notes or Tickets, as is hereby Directed, ſhall Give or Diſpoſe of the ſame to any other Perſon or Perſons, in Order to Avoid the Payment of the ſaid Toll or Duty, Every ſuch Perſon Giving, Diſpoſing or Offering, and the Perſon Receiving ſuch Note or Ticket, Notes or Tickets, and being thereof Convicted, upon the Oath of one or more Witneſs or Witneſſes, before the ſaid Truſtees, or any Seven or more of them, or before any One or more Juſtice or Juſtices of the Peace for the County wherein ſuch Offence or Offences ſhall be Committed (which Oath the ſaid Truſtees, and the ſaid Juſtice or Juſtices, are hereby Impowered to Adminiſter) ſhall reſpectively Forfeit and pay the Sum of Ten Shillings, to be Levied, Recovered, and Diſpoſed of as any other Penalty or Forfeiture is Directed to be Levied, Recovered, and Diſpoſed of by this Act.

Provided allways, and be it hereby Declared and Enacted by the Authority aforeſaid, That during the Continuance of this Act, all Coaches, and Paſſengers on Horſeback, ſhall paſs and Repaſs Toll-

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free, on the Day or Days on which there shall be an Election for Knight or Knights of the Shire, to Serve in Parliament for the said Counties of Tipperary, Westmeath, and King's-County, or for any Burgess to Serve in Parliament for any Borroughs in the said Counties respectively; Any thing herein contained to the contrary notwithstanding.

And be it further Enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, may, and are hereby Impowered from Time to Time, as they shall see Convenient or think fit to Compound or Agree by the Year or otherwise, with any Person or Persons using to Travel through the Turn-pike or Turnpikes to be Erected with any Milch Colts, Horse, Mare, or Gelding, Ass or Mule, or with any Coach, Berlin, Chariot, Calash, Chaise, Chair, Waggon, Cart, Carr or any other Carriage, for any Sum or Sums of Money, to be Paid Quarterly, from Time to Time after such Agreement shall be made.

Provided also, and be it hereby Declared and Enacted by the Authority aforesaid, That no Person shall be charged with any of the Tolls and Duties aforesaid, who shall pass through any of the Turnpikes to be Erected by this Act, who shall carry any Quantity of Kilkenny-Coals, or of Stones, Gravel, or other Materials for Repairing the said Roads, or any of the Roads, in the Parishes in which the same

same do lye, or in any of the neighbouring Parishes; Nor shall any Person or Persons be Chargeable with the said Toll or Duty for any Carts, Carrs or Waggons Loaded with Corn in the Straw only; Nor for any Ploughs, Harrows, or any Implements of Husbandry, in Order to the Using or Repairing the same, in the several Parishes in which the said High-Ways or Roads hereby intended to be Repaired do lye; Nor shall any Toll or Duty be Demanded or Taken at any of the Turn-pike or Turn-pikes to be Erected, for any Horse, Mare or Gelding, Ass or Mule, or other Cattle going to Water, or for any Post-Horse carrying the Mail or Packet, or for such Horse as is, or shall be Used only to Ride on, by the Owner or Driver of any Waggon, Cart or Carriage, Provided, such Horse pass through the said Turn-pike or Turn-pikes with such Waggon, Cart, or Carriage; Nor shall any Toll or Duty be Demanded or Taken for the Horses of Soldiers Passing, that are upon their March, or for Waggons, Carts, Carrs, or other Carriages Attending them, or for Horses, Waggons, Carts, Carrs, or other Carriages Travelling with Vagrants sent by Passes, or with Prisoners Transmitted from one Part of the Kingdom to another. CHAP. XVI.

And be it further Enacted by the Authority aforesaid, That the Toll or Duty hereby Granted, shall take Place and have Continuance, from and after the Second

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Day of June, in the Year of Our Lord God, One thousand seven hundred and Forty, for and During the Term of Forty One Years.

Provided Nevertheless, That if at any time before the Expiration of the said Term of Forty One Years, all Parts of the said Roads shall be Sufficiently Amended and Repaired, and so Adjudged by the Majority of the Trustees Appointed, or hereafter to be Chosen by Virtue of this Act, by an Adjudication made, and Re-payment of such Money as shall have been Advanced, or Borrowed with Interest for the same, and the Costs and Charges thereof; The said Tolls and Duties shall Cease and Determine; Any Thing herein Contained to the Contrary notwithstanding.

And be it further Enacted by the Authority aforesaid, That the said Road or Roads shall be Repaired from the said Town of Nenagh, in the County of Tipperary, through the Townes of Bir and Ferbane, in the King's-County, to Curranaboy-Bridge, on the Curu-pike Road Leading to Athlone, in the County of Westmeath.

And be it Enacted by the Authority aforesaid, That for the Continuing a Sufficient Number of Able persons to be Trustees, for putting in Execution all and every the Powers in this Act Contained, for and During the Continuance thereof, It shall and may be Lawful, to and for the said Trustees, or any

Seven

Seven or more of them, upon the Death of any of the said Trustees, or their Removal, or Refusing to Act in the said Trust, from time to time, and at all times hereafter, During the Term aforesaid, to Elect, Nominate and Appoint in the Room of such Trustee or Trustees so Deceased, Removed or Refusing to Act, so many more Fit and Able Person or Persons, Living in the said Counties of Tipperary, King's-County and Westmeath, to be Joined with the said Trustees, in the Execution of all and every the Power and Powers in them Reposed, by Virtue of this Act; And all and every Person or Persons so to be Chosen Trustee or Trustees, to Join in putting this Act in Execution, as they are herein before Qualified to do, shall and may, and are hereby Impowered to Act, to all Intents and Purposes, in as Full, Large, and Ample a Manner, as the said Trustees are by this Act Impowered to do; And so toties quoties, as often as Occasion shall Require. CHAP. XVI.

And be it further Enacted by the Authority aforesaid, That the said Trustees, or any Fifteen or more of them, shall Meet at the Town of Bir, in the King's-County on the First Monday in the Month of May, in the Year of Our Lord, One thousand seven hundred and forty; And the said Trustees shall then Adjourn themselves, and afterwards Meet there, or at any other Place or Places near the said High-Way or Road to be Repaired, as the said Trustees, or any Seven or more of them,

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shall think Proper and Convenient, as often as it shall be Necessary for the Putting this Act in Execution; And if it shall happen, That there shall not Appear at any Meeting, that shall be Appointed to be Had or Held by the said Trustees, a sufficient Number of Trustees to Act at such Meeting, and to Adjourn to any other Day, Then, and in such Case, the Clerk of the said Trustees, by Notice in Writing, to be Affixed at the respective Gates or Turn-Pikes, where such Number of Trustees shall be wanting, at least Ten Days before the next Meeting, shall Appoint the said Trustees to Meet at the House where the Meeting of the said Trustees was last Appointed to be Held, or at some other Convenient House near the said Road, on that Day Three Weeks upon which such last Meeting of the said Trustees was Appointed to have been Held; And that the said Trustees, at their First Meeting, and at all other Subsequent Meetings, shall Defray their own Charges and Expences.

Provided allways, And be it further Enacted by the Authority aforesaid, That no Person or Persons Appointed, or to be Appointed by this Act a Trustee or Trustees, for Putting this Act in Execution, shall have or Accept of any Place of Profit, Arising out of, or by Reason of the Toll or Duty by this Act Laid or Granted, but such Person or Persons shall be Incapable from the time of Accepting and Continuing

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to Enjoy such place of Profit, of Acting as a Trustee. CHAP. XVI.

And be it further Enacted by the Authority aforesaid, That no such Trustee or Trustees shall, in his or their own Name, or in the Name or Names of any other Person or Persons, Undertake or Contract, for the Repair of the said Roads, or any Part of them, whereby any Profit may Arise, to him or them, but that from such time he or they shall Cease to be a Trustee or Trustees, and that any Person or Persons, that shall Undertake or Contract for the Repairing or Amending the said Roads, or any Part of them, shall if Required, take an Oath before the said Trustees respectively, or any Seven or more of them, which Oath they have hereby Power to Administer, that he or they do Undertake the same, for his or their own Use, and not for the Use of, or in Trust for any such Trustee or Trustees whatsoever.

And be it further Enacted by the Authority aforesaid, That if any Suit shall be Commenced against any Person or Persons, for any Thing done in Pursuance of this Act, That in every such Case, the Action shall be laid in the said Counties of Tipperary, King's-County or Westmeath, and not elsewhere; And the Defendant or Defendants in such Action or Actions to be brought may Plead the General Issue, and give this Act and the Special Matter in Evidence at any Tryal to be had thereupon, and that the same was

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done in Purſuance, and by the Authority of this Act; And if it ſhall Appear ſo to be done, or ſuch Action or Actions ſhall be brought in any other County, That then the Jury ſhall Find for the Defendant or Defendants, and upon ſuch Verdict, or if the Plaintiff ſhall be Non-Suited or Diſcontinue his Action after the Defendant or Defendants ſhall have Appeared, or, if on any Demurrer, Judgment ſhall be given againſt the Plaintiff, the Defendant or Defendants ſhall and may Recover Treble Coſts, and have the like Remedy for the ſame, as any Defendant or Defendants hath or have in any other Caſes by Law.

And be it further Enacted by the Authority aforeſaid, That this Act ſhall be Deemed, Adjudged, and Taken to be a Publick Act, and be Judicially Taken Notice of as ſuch, by all Judges, Juſtices, and other Perſons, whatſoever, without ſpecially Pleading the ſame.

FINIS.